

Ordinance 06 of 2023

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**CRIMINAL CODE (AMENDMENT) ORDINANCE  
2023**

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An Ordinance to amend the Criminal Code.

PJM Squires OBE  
**ADMINISTRATOR**

*13 November 2023*

**BE** it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

**Short title and commencement**

- 1.—(1) This Ordinance may be cited as the Criminal Code (Amendment) Ordinance 2023.
- (2) This Ordinance comes into force on 1 December 2023.

**Amendment to the Criminal Code**

2. The Criminal Code<sup>(a)</sup> is amended as follows.

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(a) Cap. 154, Laws of Cyprus (1959 ed.). Legislation of the former colony of Cyprus has effect in the Areas by virtue of article 5 of the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369 (UK)). Schedule 2 to the Interpretation Ordinance 2012 (Ordinance 8/2012) makes provision for the interpretation of such legislation.

**Amendment to section 4 (interpretation)**

3. In section 4 after the definition of “Court” insert—  
““deprive of freedom” means to unlawfully restrain freedom of movement from a particular place;”.

**Amendment to section 177K (meaning of sexual)**

4. In section 177K for “146A and 177A to 177F” substitute “146A, 177A to 177F and 251”.

**Amendment to section 246 (definition of kidnapping from lawful guardianship)**

5. In section 246 for “under fourteen years of age if a male, or under sixteen years of age if a female” substitute “under sixteen years of age”.

**Amendment to section 247 (definition of abduction)**

6. In section 247 after “by force” insert “, or threat of force,”.

**Amendment to section 249 (kidnapping or abducting in order to premeditated murder)**

7.—(1) In the heading of section 249 for “Kidnapping or abducting in order to premeditated” substitute “Kidnapping, abducting or depriving of freedom in order to premeditate”.

(2) In section 249, after “who kidnaps” insert “, deprives of freedom”.

(3) In section 249 for “ten years” substitute “fourteen years.”.

**Amendment to section 250 (kidnapping or abducting with intent secretly and wrongfully to confine person)**

8.—(1) In the heading of section 250 for “Kidnapping or abducting” substitute “Kidnapping, abducting or depriving of freedom”.

(2) In section 250, after “who kidnaps” insert “, deprives of freedom”.

**Substitution of section 251 (kidnapping or abducting in order to subject person to grievous hurt, etc)**

9.—(1) In the heading of section 251 for “Kidnapping or abducting” substitute “Kidnapping, abducting or depriving of freedom”.

(2) For section 251 substitute—

**“Kidnapping, abducting or depriving of freedom in order to subject person to grievous hurt, etc)**

**251.**—(1) A person (“A”) commits an offence if A—

(a) kidnaps, deprives of freedom, or abducts a person (“B”); and

(b) either—

(i) intends that B will be subjected to grievous harm or sexual abuse; or

(ii) knows that B could be subjected to grievous harm or sexual abuse.

(2) A person who commits an offence under subsection (1) is guilty of a felony and is liable to a fine and imprisonment for fourteen years.”.

**Insertion of section 251A (abducting, kidnapping or depriving freedom with intent to force another person to perform an unlawful act)**

10. After section 251 insert—

**“Abducting, kidnapping or depriving of freedom with intent to force a person to perform an unlawful act**

**251A.**—(1) A person (“A”) commits an offence if A—

- (a) kidnaps, deprives of freedom or abducts another person (“B”); and
- (b) either—
  - (i) intends to force B or any other person to take part in any unlawful act, or
  - (ii) intends to force B or any other person to omit to do any act for the purpose of enabling or aiding any person to take part in an unlawful act.

(2) A person who commits an offence under subsection (1) is guilty of a felony and is liable to a fine and imprisonment for fourteen years.”.

**Omission of sections 252 and 253**

11. Omit section 252 (wrongfully concealing or keeping in confinement, kidnapped or abducted person).

12. Omit section 253 (kidnapping or abducting child under fourteen years with intent to steal from its person).

## EXPLANATORY NOTE

*(This note is not part of the Ordinance)*

**1.** This explanatory note relates to the Criminal Code (Amendment) Ordinance 2023 (the “Ordinance”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

**2.** This Ordinance amends the Criminal Code reflecting amendments made to the Criminal Code of the Republic of Cyprus by Law Number 190(I) of 2021.

**3.** Section 3 amends section 4 (interpretation) of the Criminal Code by inserting a definition of “depriving of freedom”, namely unlawful restraint of a person’s freedom to move from a particular place.

**4.** Section 4 amends section 177K (meaning of sexual) of the Criminal Code by adding the meaning of sexual to the offence under section 251.

**5.** Section 5 amends section 246 (definition of kidnapping from lawful guardianship) of the Criminal Code by making the age requirement uniform for both genders.

**6.** Section 6 amends section 247 (definition of abduction) of the Criminal Code by inserting “or threat of force” into its definition.

**7.** Section 7 amends section 249 (kidnapping or abducting in order to premeditated murder) of the Criminal Code by amending the heading and inserting a new offence under that section of “depriving of freedom”. The maximum term of imprisonment for offences under section 249 has also been increased from ten to fourteen years.

**8.** Section 8 amends section 250 (kidnapping or abducting with intent secretly and wrongfully to confine person) of the Criminal Code by amending the heading and inserting a new offence under that section of “depriving of freedom”.

**9.** Sections 9 substitutes section 251 (kidnapping or abducting in order to subject person to grievous hurt, etc) with a new section 251 which includes a new offence under that section of “depriving of freedom”.

**10.** Section 10 inserts a new section which contains a new offence; section 251A (kidnapping, abducting or depriving of freedom with intent to force another person to perform an unlawful act) of the Criminal Code.

**11.** Sections 11 and 12 repeal sections 252 (wrongfully concealing or keeping in confinement, kidnapped or abducted person) and 253 (kidnapping or abducting child under fourteen years with intent to steal from its person) of the Criminal Code.