
CRIMINAL CODE (AMENDMENT) ORDINANCE 2007

An Ordinance to amend the Criminal Code

R. H. LACEY
ADMINISTRATOR

5th March 2007.

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

1. Short title

This Ordinance may be cited as the Criminal Code (Amendment) Ordinance 2007.

2. Amendment to section 2 Criminal Code

Section 2 of the Criminal Code(a) (savings) is amended by –

- (a) numbering the existing text as subsection (2);
- (b) inserting at the beginning of the section a new subsection (1) as follows –
“(1) Sections 5 – 34 of this Ordinance apply to the liability, trial and punishment of a person for an offence established by any Ordinance or public instrument.”;
- (c) in the re-numbered subsection (2), substituting for the words “Nothing in this Ordinance shall affect” –
“Apart from those sections referred to in subsection (1), nothing in this Ordinance shall affect – ”.

3. Amendment to section 298 Criminal Code

Section 298 of the Criminal Code (obtaining goods by false pretences) is amended by numbering the existing text as subsection (1) and inserting immediately after that subsection –

“(2) A person who attempts to commit the offence contained in subsection (1) is guilty of a misdemeanour and is liable to imprisonment for 5 years.”.

4. Amendment to section 303 Criminal Code

Section 303 of the Criminal Code (fraud on sale or mortgage of property) is amended by –

- (a) numbering the existing text as subsection (1);
- (b) substituting for “conceals” wherever it appears in that section “withholds”;
- (c) inserting immediately after subsection (1) the following –
 - “(2) A person is presumed to be withholding a material document for the purposes of subsection (1)(a) or withholding a material fact for the purposes of subsection (1)(c) if he omits to indicate the existence of any instrument material to the title or the ownership status of the property.
 - “(3) A person who attempts to commit the offence contained in subsection (1) is guilty of a misdemeanour and is liable to imprisonment for 5 years.”.

5. Amendment to section 324 Criminal Code

Section 324 of the Criminal Code (punishment for malicious injuries) is amended by inserting immediately after subsection (1) the following –

“(1A) The defence set out in section 8 will only be satisfied in respect of an alleged offence under subsection (1) where the accused satisfies the Court that the action taken in exercising his honest right of claim was reasonable in the circumstances.”.

6. Commencement and application

- (1) This Ordinance comes into force on the day of publication in the Gazette.
- (2) This Ordinance applies to any offence committed on or after the coming into force of this Ordinance.

Notes

- (a) Cap 154, Statute Laws of Cyprus revised edition 1959 as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. These explanatory notes relate to the Criminal Code (Amendment) Ordinance 2007. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes need to be read together with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

The Ordinance

3. The amendment made to section 2 is for the purpose of ensuring that the principles contained in certain provisions of the Criminal Code, such as section 14 which establishes the age of criminal responsibility, are applicable to offences established by any Ordinance or public instrument.

4. The specific offences of attempting to obtain goods by false pretences and of attempting to commit a fraud on the sale or mortgage of property are added, each carrying 5 years imprisonment.

5. The amendment to section 324 qualifies the general defence of bona fide claim of right (set out in section 8). It states that the defence will only be made out in respect of an offence under section 324(1) where the accused demonstrates that the action he took in exercising that right was reasonable in all the circumstances.

6. The amendments made by sections 3 – 5 of this Ordinance broadly replicate the effects of Republican Law 130(I)/06.
