



**British Virgin Islands
CRIMINAL CODE 1997
OF
THE VIRGIN ISLANDS**

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No. 1 of 1997

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**CRIMINAL CODE 1997
VIRGIN ISLANDS
NO. 1 OF 1997**

AN ACT to amend and codify the criminal laws of the Virgin Islands and other matters connected therewith

[Gazetted 16th May 1997]

ENACTED by Legislature of the Virgin Islands as follows:

Preliminary

1. This Act (hereinafter referred to as “this Code”) may be cited as the Criminal Code, 1997, and shall come into force on such date as the Governor may, by Proclamation published in the Gazette, appoint.

2. (1) Except as hereinafter expressly provided, nothing in this Code shall affect

- (a) the liability, trial or punishment of a person for an offence against the common law or any other law in force in the Territory other than this Code;
- (b) the power of any court to punish a person for contempt of such court under the Contempt of Court Act;
- (c) the liability or trial of a person or the punishment of a person under any sentence passed or to be passed in respect of any act done or commenced before the commencement of the Code;
- (d) any power of Her Majesty, or of the Governor vested in him as the representative of Her Majesty, to grant any pardon or to remit or commute, in whole or in part, or to respite the execution of any sentence passed or to be passed, or
- (e) Any law for the time being in force for the Government of Her Majesty’s naval, military or air forces.

(2) Where a person does an act, which is punishable under this Code and also punishable under any other law, he shall not be punished for that act both under this Code and that other law.

3. (1) Except as otherwise in this Code, or in the Interpretation Act, expressly provided, this Code shall be interpreted in accordance with the principles of legal interpretation obtaining in England, and expressions used in the Code shall be presumed, so far as is consistent with their

context, to be used in accordance with the meanings attached to them in the criminal law of England, and shall be construed in accordance therewith.

(2) In this Code, unless the context otherwise requires,

“arrestable offence” means an offence for which a person may be arrested without a warrant, under the provisions of section 321;

“court” means the High Court or the Magistrate’s Court as the context requires;

“knowingly”, used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

“money” includes bank notes, bank drafts, cheques and other orders, warrants or requests for the payment of money;

“night” or “night-time” means the interval between 1900 hours in the evening and 0600 hours in the morning of the following day;

“oath” includes an affirmation or statutory declaration;

“offence” includes an act, attempt or omission punishable by law;

“person employed in the public service” includes

- (a) a person holding any public office, whether temporarily or permanently by appointment, by election or by operation of law;
- (b) an arbitrator, umpire or referee in any proceeding or matter acting with the sanction of any court or in pursuance of any law;
- (c) any magistrate or justice of the peace;
- (d) any member of any statutory body, tribunal or commission appointed under or in pursuance of any law, and
- (e) any marriage officer or Civil Marriage Officer appointed under the Marriage ordinance when acting in the performance of his functions as such;

“possession” includes not only having in one’s own personal possession, but knowingly having anything in the actual personal possession or custody of any other person, or having anything in any place (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or another person; and if there are two or more persons and any one or more of them with the knowledge and consent of all or any of the others has or have anything in his or their custody or possession it shall be deemed to be in custody and possession of each and all of them;

“property” includes any description of real or personal property, money, debts and legacies and any deeds, instruments or other documents relating to or evidencing the title or right to any property or giving a right to recover or receive any money or goods;

“public” includes not only all persons in the Territory but also persons inhabiting or using any particular place, or any number of persons and also such indeterminate persons as may happen to be affected by the conduct in respect of which such expression is used;

“public place” includes any highway, market place, square, street, bridge or other way, which is lawfully used by the public as of right;

“publicly”, when applied to acts done, means either that they are so done in any public place as to be seen by any person, whether such person be or be not in a public place, or that they are so done in any place which is not a public place as to be likely to be seen by any person in a public place;

“utter” includes using or dealing with or attempting to use or deal with, or attempting to induce any person to use, deal with or act upon the thing in question;

“valuable security” includes a document which is the property of a person and which is evidence of the ownership of any property or of the right to recover or receive any property;

“vessel” includes any thing or device capable of being used for the conveyance of goods or passengers on water from one place to another and includes a hovercraft and any vessel being towed or carried by another vessel;

“wound” means any incision or puncture which breaks the continuity of the whole skin and not merely the cuticle or upper skin.

(3) Except where the context otherwise requires, Part I and II of this Code apply to offences under any other law as they apply to offences under this Code.

4. When an act which, if done wholly within the jurisdiction of the court, would be an offence against this Code, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction does or takes part in such act may be tried and punished under this Code in the same manner as if such act had been done wholly within the jurisdiction.

PART I

GENERAL RULES AS TO CRIMINAL LIABILITY

5. Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

6. A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

7. (1) Subject to the express provision of this Code or any other law, a person is not criminally responsible for an act or omission which occurs independently of the exercise of his will, or for an event which occurs by accident

(2) Unless the intention to cause a particular result is expressly declared to be an element of an offence constituted in whole or in part by an act or omission, the result intended to be caused by an act or omission is immaterial.

(3) Unless otherwise expressly declared, the motive by which a person is induced to do or not to do or omit to do an act, or to form an intention, is immaterial as regards criminal responsibility.

(4) In determining whether a person has committed an offence, a court

(a) shall but be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions, but

(b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inference from the evidence as appears proper in the circumstances

8. Subject to the express or implied provisions of this Code or any other law, a person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

9. Every person is presumed to be of sound mind, and to have been of sound mind at any material time, until the contrary is proved.

10. (1) Subject to subsection (2) and to the provisions of this Code with regard to persons suffering from diminished responsibility, a person shall not be criminally responsible for an act or omission if at the time of doing the act or making the omission he is through any disease affecting his mind incapable of understanding what he is doing or of knowing that he ought not to do the act or make the omission.

(2) A person may be criminally responsible for an act or omission, although his mind is affected by disease, if such disease does not in fact produce upon his mind one or other of the effects in subsection (1) in reference to the act or omission.

11. (1) Save as provided in this section, intoxication shall not constitute a defence to a criminal charge.

(2) Intoxication shall be a defence to a criminal charge if by reason thereof, at the time of the act or omission complained of, the person charged did not know that such act or omission was wrong or did not know what he was doing, and

- (a) the state of intoxication was caused, without his consent, by the malicious or negligent act of another person, or
- (b) the person charged was by reason of intoxication insane, temporarily or otherwise, at the time of such act or omission.

(3) Where a defence under subsection (2) is established, then

- (a) in a case falling within paragraph (a) of subsection (2), the accused shall be discharged;
- (b) in a case falling within paragraph (b) of subsection (2), the provisions of section 10 shall apply and the person charged shall be dealt with in accordance with the provisions relating to insanity contained in the Criminal Procedure Act.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, in the absence of which he would not be guilty of the offence.

(5) For the purpose of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

12. (1) A person under the age of ten years is not criminally responsible for any act or omission.

(2) A person under the age of fourteen years is not criminally responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

(3) A male person under the age of twelve is presumed to be incapable of having carnal knowledge.

(4) Where a person is charged with an offence under this Code or any other law in respect of a child who is alleged to be under any specified age and that the child appears to the court to be under that age, such child shall be presumed to be under that age unless contrary is proved.

13. A person is not criminally responsible for performing, in good faith and with reasonable care and skill, a surgical operation upon any person for his benefit, or intended benefit or upon an unborn child for the purpose of the preservation of the mother's life, if the performance of the operation is reasonable having regards to the patient's state at the time and all the circumstances of the case.

14. (1) Except for the offence of murder, genocide and treason, a person is not criminally responsible for an offence if the act is done or omitted to be done only because during the time which it is being done or omitted to be done the person is compelled to do or not to do the act by threats on the part of another person.

(2) For the purpose of subsection (1), a threat must consist of immediate or proximate death or grievous bodily harm upon refusal to comply therewith to that person or any third party.

15. A married woman is not free from criminal responsibility for doing or omitting to do any act merely because the act or omission takes place in the presence of her husband, but on a charge against a wife, other than for treason or murder, it shall be a good defence to prove that the offence was committed in the presence of and under the coercion of the husband.

16. Subject to the express provisions of this Code or any other law for the time being in force in the Territory, criminal responsibility for the use of force in the defence of a person or property shall be determined according to the common law.

17. A person may use such force as is reasonable in the circumstances in preventing crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

18. A person shall not be punished twice, either under the provisions of this Code or under the provisions of any other law, for the same offence.

19. (1) When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say:

- (a) every person who actually does the act or makes the omission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding any other person to commit the offence;
- (c) every person who aids or abets another person in committing the offence, and
- (d) any person who counsels or procures any person to commit the offence.

(2) In a case arising out of paragraph (d) of subsection (1), the accused may be charged with himself committing the offence or with counseling or procuring its commission.

(3) A conviction of counseling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

(4) Any person who procures another to do or omit to do any act of such a nature that, if he had himself done the act or made the omission the act or omission would have constituted an

offence on his part, is guilty of an offence of the same kind, and is liable to the same punishment, as if he himself had done the act or made the omission, and he may be charged with himself doing the act or making the omission.

20. When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another and in the prosecution of such unlawful purpose an offence is committed of such a nature that its commission was a probable consequence of prosecution of such unlawful purpose, each of them is deemed to have committed the offence

21. When a person counsels another to commit an offence and an offence is actually committed after such counsel by the person to whom it is give, it is immaterial whether the offence actually committed is the same as that counseled or a different one, or whether the offence is committed in the way counseled or in a different way, provided in either case that the facts constituting the offence actually committed are a consequence of the carrying out of the counsel, and in either case the person who gave the counsel is deemed to have counseled the other person to commit the offence actually committed by him.

PART II

PUNISHMENTS

22. Subject to the provisions of this code and of any other law in force relating to the jurisdiction of particular courts, the following kinds of punishments may be imposed by a court on persons convicted of offences under this Code:

- (a) imprisonment;
- (b) fine;
- (c) payment of compensation to injured party;
- (d) suspended sentence;
- (e) finding security to keep the peace and be of good behavior or to come up for judgment
- (f) probation under the Probation of Offenders Act;
- (g) forfeiture of articles involved in an offence;
- (h) any other punishment expressly provided for by law for the time being in force.

23. (1) A person liable for imprisonment for life or any other period may be sentenced to shorter term, except in the case of a sentence passed in pursuance of section 150.

(2) Subject to the provisions of this Code or any other law, a person liable to imprisonment may be sentenced to pay a fine in addition to or instead of imprisonment.

24. (1) Where a fine is imposed under any law then, in the absence of express provisions relating to such fine in such aw, the following provisions shall apply:

- (a) where no limit is expressed as regards the amount of the fine, the amount of the fine, which may be imposed, is unlimited but shall not be excessive;
- (b) in the case of an offence punishable by a fine or a term of imprisonment or both, the imposition of a fine or of a term of imprisonment or both, shall be in the discretion of the court;
- (c) in the case of an offence punishable with imprisonment as well as a fine, and in which the offence is sentenced to a fine (with or without imprisonment) and in every case of an offence punishable with a fine only in which the offender is sentenced to a fine, the court imposing the fine may, in its discretion direct by its sentence that in default of payment of the fine, within such time (if any) as the court may direct, the offender shall suffer imprisonment for a term not exceeding the maximum term specified in section 25, which imprisonment shall be in addition to and consecutive with any other imprisonment to which he may have been sentenced or may be liable under a commutation of sentence.

(2) For the purpose of paragraph (c) of subsection (1), where the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such person has undergone the whole of such imprisonment in default, no court shall issue a distress warrant unless for special reasons to be recorded in writing by the court, it considers it necessary so to do.

25. (1) In the absence of express provisions in any law relating thereto, the term of imprisonment which may be ordered by a court in respect of the non-payment of any sum adjudged to be paid as a fine, costs or compensation or of any sum adjudged to be paid under any law relating to the offence of witch the offender has been convicted, shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed the maximum fixed by the following scale:

Where the amount of the sum of money adjudged to be paid is	The period of imprisonment shall not exceed
0 - \$200.00	Four (4) days
\$201.00 - \$500.00	Thirty (30) days
\$501.00 - \$1000.00	Two (2) months
\$1001.00 - \$2000.00	Four (4) months
Exceeds \$2000.00	Six (6) months

(2) Imprisonment imposed in default of the payment of any sum payable in respect of a fine, costs or compensation shall terminate immediately the fine is paid or levied by process of

law, and in a case where part of the amount payable is paid, the term of the imprisonment shall be reduced in proportion to the amount so paid.

26. (1) Where any person is convicted of an offence under sections 79, 80, 81 or 101, the court may, in addition to or in lieu of any other penalty which may be imposed, order the forfeiture to the Crown of any property which has passed in connection with the commission of the offence or, if such property cannot be forfeited or cannot be found, of such sum as the court shall assess as the value of the property, and any property or sum so forfeited shall be dealt with in such manner as the Governor may direct.

(2) The payment of any sum ordered to be forfeited under subsection (1) may be enforced in the same manner and subject to the same incidents as in the case of the payment of a fine.

27. (1) Any person who is convicted of an offence may be ordered by a court to make compensation to any person injured, in person or property, by his offence and any such compensation may be in addition to any other punishment.

(2) Subsection (1) shall not preclude any person, who or whose property, has been injured by the act or omission of another from bringing an action in respect of such injury but if he shall so do the court, in making an award, shall take into account any compensation that may have been paid by virtue of an order under subsection (1).

28. Subject to limitations imposed by any other law, a court may order any person convicted of an offence to pay costs of and incidental to the prosecution or any part thereof.

29. (1) Subject to subsection (2), where a court passes a sentence of imprisonment for a term of not more than two years for an offence, it may order that the sentence shall not take effect unless, during a period specified in the order, being not less than one year or more than two years from the date of the order, the offender commits in the Territory another offence punishable with imprisonment.

(2) A court shall not deal with an offender by means of a suspended sentence unless it is of the opinion that

- (a) the case is one in which a sentence of imprisonment would have been appropriate even without the power to suspend the sentence; and
- (b) the exercise of that power can be justified by the exceptional circumstances of the case.

(3) A court which passes a suspended sentence on any person for an offence shall

- (a) consider whether the circumstances of the case are such as to warrant in addition the imposition of a fine or of making of a compensation order; or
- (b) not to make a probation order in his case in respect of another offence of which he is convicted by or before the court or for which he is dealt with by the court.

(4) Where an offender is convicted of an offence punishable with imprisonment committed during the period of a suspended sentence, then, unless the sentence has already taken effect, the court shall consider his case and deal with him by one of the following methods:

- (a) the court may order that the suspended sentence shall take effect with the original term unaltered;
- (b) the court may order that the sentence shall take effect with the substitution of a lesser term for the original term;
- (c) the court may by order vary the original order under subsection (1) by substituting for the period specified therein a period expiring not later than two years from the date of the variation;
- (d) the court may make no order with respect to the suspended sentence.

(5) Where the court orders that a suspended sentence shall take effect, with or without any variation of the original term, it may order that that sentence shall take effect immediately or that the term thereof shall commence on the expiration of another term of imprisonment passed on the offender by that or another court.

6) In proceedings for dealing with an offender in respect of a suspended sentence, any question whether the offender has been convicted of an offence punishable with imprisonment committed during the period of the suspended sentence is one of law to be determined by the court and not by the verdict of a jury.

30. (1) Subject to subsection (2), a person convicted of an offence not punishable with imprisonment for life may, instead if, or in addition to, any punishment to which he is liable, be ordered to enter into his own recognizance, with or without sureties, in such amount as the court thinks fit, that he shall keep the peace and be of good behavior for a time to be fixed by the court, and may be ordered to be imprisoned until such recognizance with sureties if so directed, is entered into.

(2) An order of imprisonment under subsection (1) or not entering into the recognizance shall not,

- (a) extend for a period longer than one year; and
- (b) together with the fixed term of imprisonment, if any, extend for a term longer than the longest term to which he might be sentenced to be imprisoned for the offence of which he is convicted.

31. When a person is convicted of an offence not punishable with imprisonment for life, the court may, instead of passing sentence, discharge the offender on entering on his own

recognizance, with or without sureties, in such sum as the court thinks fit, conditioned that he shall appear and receive judgment at some future sitting of the court or when called upon.

32. When I this Code or any other law no imprisonment is specially provided for an offence it shall be punishable with imprisonment for a term not exceeding two years or with a fine not exceeding two thousand dollars, or with both.

33. (1) Where a person after conviction for an offence is convicted of another offence, either before sentence is passed upon him under the first conviction or before the expiration of that sentence, any sentence other than a sentence of corporal punishment, which is passed upon him under the subsequent conviction, shall be executed after the expiration of the former sentence, unless the court, subject to subsection (20) directs that it shall be executed concurrently with the former sentence or of any part thereof.

(2) No court shall direct that a sentence of imprisonment in default of a payment of a fine shall be executed concurrently with a former sentence imposed under section 24 (1) (c) of this Code or of any part thereof.

34. If a sentence is passed under this Code upon an escaped convict, the sentence shall run consecutively or concurrently, as the court may order, with the unexpired portion of the sentence which the convict was undergoing when he escaped.

35. (1) Where in any trial the court thinks that the charge is proved, but is of the opinion that, having regard to the character, antecedents, age, health or mental condition of the accused, or to the trivial nature of the offence or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, make and order dismissing the charge.

(2) An order made under subsection (1) shall, for the purpose of re-vesting or restoring stolen property and of enabling a court to make any order in that behalf, have the like effect of a conviction

(3) Where any charge is dismissed under subsection (1) the court may order the accused person to pay the whole or any part of the costs of and incidental to the prosecution.

PART III

OFFENCES AGAINST GOVERNMENT AND PUBLIC ORDER

36. (1) A person commits the offence of treason and is liable on conviction to suffer imprisonment for life if he

(a) expresses, utters, declares or publishes in any manner, or by any overt act manifests an intention to publish, any matter, thing or intention whatsoever which, if done in England, is treason by the law of England

(b) does in the Territory, any act which if done in England would be treason by the law of England; or

(c) instigates any other person to invade the Territory with armed forces.

37. A person who,

(a) knowing that any person intends to commit treason, does not give information thereof with all reasonable dispatch to the Governor, the Magistrate, a justice of the peace or a police officer, or use other reasonable endeavors to prevent the commission of the offence, or

(b) knowing or believing that any person is guilty of treason, does any act with intent to impede his apprehension or prosecution for that offence,

commits an offence and is liable on conviction to imprisonment for life

38. Any person who, in the Territory, does an act or publishes anything which by the law of England if done in England constitutes an offence under the Treason 11 and 12 Vict.c.12 Felony Act, 1848, commits an offence and is liable on conviction to imprisonment for life

39. (1) No person shall be tried for an offence, committed within the Territory, under section 36, 37 or 38 unless the prosecution is commenced within three years after the date of the commission of the offence.

(2) A person charged with an offence to which this section refers shall not be convicted, otherwise than on his own plea of guilty, except on the evidence in open court of two witness at least to one overt act of the kind alleged or the evidence of one witness to one overt act and one other witness to another act relevant to the same kind of offence.

(3) This section shall not apply in any case in which this act of treason alleged is the killing of Her Majesty or a direct attempt to endanger the life or injure the person of Her Majesty.

40. For the purposes of any offences referred to in this Part, when the manifestation by overt act of an intention to effect any purpose is an element of the offence, in addition to any other act which may be held to constitute an overt act, every act of conspiring with any person to effect that purpose, and every act done in furtherance of the purpose by any of the persons conspiring, shall be deemed to be an overt act manifesting the intention.

41. (1) A person who deliberately attempts

(a) to seduce any person serving in Her Majesty's naval, military or air forces, or any police officer or member of any security force from his duty or allegiance to Her Majesty,

(b) to incite any such persons to commit an act of mutiny or any traitorous or mutinous act,
or

(c) to incite any such persons to make or endeavor to make a mutinous assembly commits an offence and is liable on conviction to imprisonment for life.

(2) For the purposes of this section and of sections 42 and 43 “security force” means any force established in the Territory by virtue of an enactment.

42. Any person who

(a) aids, abets or is accessory to any act of mutiny by, or

(b) incites to sedition or to disobedience to any lawful order given by a superior officer,

any member of Her Majesty’s naval, military or air forces or any police officer or member of any security force, commits an offence and is liable on conviction to imprisonment to five years.

43. Any person who

(a) procures or persuades or attempts to procure or persuade to desert,

(b) aids, abets or is accessory to the desertion of, or

(c) having reason to believe that he is a deserter, harbors or aids in concealing,

any member of Her Majesty’s naval, military or air forces or any police officer or member of any security force, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

44. (1) Any person who is guilty of piracy *jure gentium* is liable on conviction to imprisonment for life.

(2) For the purposes of this section piracy *jure gentium* means piracy as defined in the Schedule to the Tokyo Convention Act 1967, as applied to the Territory by the 1864 Tokyo Convention Act 1967 (Overseas Territories) Order 1968.

45. Any person who is guilty of piracy, or of any crime connected with, relating to or akin to [piracy, in circumstances not constituting an offence under section 44, is liable to be tried and punished according to the laws of England.

46. For the purpose of section 47 to 52,

“import” includes

(a) bring into the Territory; and

(b) to bring into the territorial waters of the Territory, whether or not the matter so brought is brought ashore or whether there is or is not an intention to bring the same ashore;

“publication” includes all written and printed matter, and any gramophone or other record, perforated roll, recording tape, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed and everything, whether of a nature similar to the forgoing or not, containing any visible representation, or by its form, shape or other characteristics, or in any manner is capable of producing, representing or conveying words or ideas and every copy or reproduction of any publication;

“periodical publication” includes every publication issued periodically or in part or numbers at intervals whether regular or irregular;

“prohibited publication” means any publication, the sale or public display of which has been prohibited by order under section 49;

“seditious publication” means a publication having a seditious intention within the meaning of section 47; and

“seditious words” means words having a seditious intention within the meaning of section 47.

47. (1) A “seditious intention” is an intention

(a) to bring into hatred or contempt or to excite disaffection against the person of the Sovereign, Her heirs, or successors, the Governor, or the Government of the Territory by law established;

(b) to excite the inhabitants of the Territory to attempt to procure the alteration, otherwise than by lawful means, of any matter in the Territory as by law established;

(c) to bring into hatred or contempt or to excite disaffection against administration of justice in the Territory

(d) to raise discontent or disaffection amongst the inhabitants of the Territory; or

(e) to promote ill will or hostility between different classes of the population of the Territory.

(2) An act or any speech or publication is not seditious by reason only that it intends

(a) to show that the Crown has been misled or mistaken in an of its measures;

(b) to point out errors or defects in the Government or constitution of the Territory;

(c) to persuade the inhabitants of the Territory to attempt to procure by lawful means the alteration of any matter in the Territory as by law established; or

- (d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will or enmity between different classes of the population.

(3) In determining whether the intention with which any act was done, any words were spoken, or any document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally flow from his conduct at the time and under the circumstances in which he so conducted himself.

48. (1) Any person who

- (a) does or attempts to do, or makes any preparation to do any act with a seditious intention,
- (b) utters any seditious words
- (c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication, or
- (d) imports any seditious publication, unless he has no reason to believe it is seditious,

commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars, or both, and any seditious publication shall be forfeited to the Crown.

(2) Any person, who without lawful excuse, has in his possession any seditious publication commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or both, and any such publication shall be forfeited to the Crown.

(3) It shall be a defence to a charge under subsection (2) that, if the person charged did not know that the publication was seditious when it came into his possession, he did, as soon as the nature of the publication became known to him, deliver it to the nearest police station.

49. (1) If the Governor in Council is of the opinion that any publication, or all publications published by any person or association of persons outside the Territory would be contrary to the public interest, he may by order published in the Gazette prohibit the importation of such publication or publications and, in the case of a periodical publication may, by the same or subsequent order, prohibit the importation of any past or future issue of the publication.

(2) An order under subsection (1) shall, unless a contrary intention is expressed therein, apply to a translation into any language of the publication specified in the order.

50. (1) Any person who imports, sells, offers for sale, distributes or reproduces any publication, the importation of which is prohibited under section 49, or any extract there from, or who publicly displays any prohibited publication or any extract there from, commits an offence

and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars or both, and the publication shall be forfeited to the Crown.

(2) Any person who, without lawful excuse, has in his possession any publication, the importation of which is prohibited under section 49 or any extract there from, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or both, and the publication shall be forfeited to the Crown.

51. (1) A person to whom any publication the importation of which is prohibited under section 49, or any extract there from, is sent without his knowledge or privity, and not in response to a request made before the prohibition of the importation of such publication came into effect, may forthwith if and as soon as the nature of its contents have become known to him, or in the case of a publication or extract there from coming into the possession of such person before an order prohibiting its importation has been made, forthwith upon the coming into effect of an order prohibiting the importation of such publication, deliver such publication or extract there from to the nearest police station.

(2) A person who defaults in complying with subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or both, and the publication shall be forfeited to the Crown.

(3) A person who complies with subsection (1) or is convicted of an offence under subsection (2) shall not be liable to be convicted for having imported or having in his possession the same publication or an extract there from.

52. (1) A person employed in the public service and authorized in that behalf by the Governor may detain, open and examine any package or article which he suspects to contain any publication or extract there from which it is an offence under the provisions of section 50 to import and during such examination may detain any person importing, distributing or posting such package or article or in whose possession such package or article is found.

(2) If any such publication or extract there from is found in such package or article, the whole package or article may be impounded and retained and the person importing, distributing or posting it, or in whose possession it is found may be arrested and proceeded against.

53. (1) No prosecution for an offence under section 48 shall be begun except within six months after the offence is committed, save that where a person leaves the Territory within six months of committing the offence, the prosecution may be begun within six months from the date when such person returns to the Territory.

(2) No person shall be prosecuted for an offence under section 48 without the written consent of the Attorney General.

54. No person shall be convicted of an offence under section 48 upon the uncorroborated testimony of one witness.

55. A person commits an offence and is liable on conviction to imprisonment for life, if he

(a) administers or is present at and consents to the administration of any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit any offence punishable with imprisonment for life; or

(b) takes any such oath or engagement, not being compelled so to do.

56. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years if he

(a) administers or is present at and consents to the administration of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it

(i) to engage in any enterprise having a ;mutinous or seditious intention;

(ii) to commit any offence not punishable with imprisonment for life

(iii) to disturb the public peace

(iv) to be a member of any association, society or confederacy, formed for the purpose of doing any act mentioned in sub-paragraphs (i), (ii) or (iii);

(v) to obey the orders or commands or any committee or body of men not lawfully constituted, or any leader or commander or other person not having authority by law for that purpose;

(vi) not to inform of give evidence against an associate, confederate or other person;

(vii) not to reveal or discover any unlawful association, society or confederacy, or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of such oath or engagement, or

(b) takes any such oath or engagement, not being compelled do to do.

57. A person who takes an oath or engagement as is mentioned in section 55 and 56 cannot set up a defence that he was compelled to do so unless within fourteen days after taking it or, if he is prevented by actual force or sickness, after fourteen days after the termination of the prevention, he declares on oath before a judicial officer the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence, and the place where and the time when, the oath or engagement was administered or taken.

58. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years, if he

- (a) without the permission of the Governor trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or
- (b) is present at any meeting or assembly or persons, held without the permission of the Governor, for the purpose of training or drilling any other person in the use of arms or the practice of military exercises, movements or evolutions.

(2) Any person who at any meeting or assembly held without the permission of the governor, is trained or drilled in the use of arms or the practice of military exercises, movements or evolutions, or who is present at any such meeting or evolutions, or who is present at any such meeting or assembly for the purpose of being so trained or drilled, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

59. (1) Any person who publishes any false statement, rumor or report which is likely to cause fear or alarm or to disturb the public peace, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) It shall be defence to a charge under subsection (1) if the accused proves that, prior to the publication, he took such measures to verify the accuracy of the statement, rumor or report as to lead him reasonably to believe that it was true.

60. Any person who, without any justification or excuse as would be sufficient on the defamation of a private person publishes in any manner anything tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador or other foreign dignitary with intent to disturb peace and friendship between the United Kingdom or the Territory and the country to which the prince, potentate, ambassador or dignitary belongs commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

61. Any person who, not being licensed in writing by the Governor, in that behalf,

- (a) being a British subject, accepts or agrees to accept any commission or engagement in the air, military or naval service of any foreign state at war with any friendly state or whether a British subject or not, induces any other person to accept or agree to accept any commission or engagement in the air, military or naval service of any foreign state in this paragraph, or
- (b) being a British subjects, quits or goes on board any ship or aircraft with a view to quitting the Territory, with intent to accept any commission, or engagement in the air, military or naval service of any foreign state at war with a friendly state, or whether a British subject or not, induces any other person to quit or go on board any ship or aircraft with a view to quitting the Territory with the like intent,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars , or both.

62. (1) When three or more persons assemble with intent to commit an offence, or being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighborhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are guilty of any unlawful assembly.

(2) For the purposes of subsection (1), it is immaterial that the original assembling was lawful if, being assembled , they conduct themselves with a common purpose in such manner as stated in subsection (1).

(3) Any person who takes part in an unlawful assembly commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

63. (1) When an unlawful assembly begins to execute the purpose for which it is assembled, by a breach of the peace and to the terror of the public, the assembly becomes a riot, and the persons assembled are said to be riotously assembled.

(2) Any person who takes part in a riot commits an offence and s liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or both.

64. (1) A Magistrate or any justice of the peace, in whose view twelve or more persons are riotously assembled or who apprehends that a riot is about to be committed by twelve or more persons assembled within his view, may make or cause to be made a proclamation, in the Governor's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

(2) If upon the expiration of a reasonable time after such proclamation being made, or if, the making thereof having been prevented by force, twelve or more persons continue riotously assembled together, any person authorized to make such proclamation or any police officer, or any person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance and shall not be liable in any criminal or civil proceeding for having, by use of such force, caused harm or death to any person.

(3) If a proclamation is made, as provided in this section, any person who, after the expiration of a reasonable time after the making of the proclamation for the dispersal of the persons assembled, takes or continues to take part in the riot or assembly, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

65. (1) Any person who forcibly prevents or obstructs the making of a proclamation, as mentioned in subsection (1) of section 64, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

(2) Any person who, knowing that the making of such proclamation has been so prevented, takes or continues to take part in the riot or assembly, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

66. Any persons who, being riotously assembled together, unlawfully pull down, destroy or burn, or begin to pull down, destroy or burn or unlawfully damage any building, machinery or structure, each commits an offence and is liable on conviction to imprisonment to a term not exceeding fourteen years.

67. Any person who, being riotously assembled together, unlawfully and with force prevent, hinder or obstruct the loading or unloading of any aircraft, vehicle or vessel, or the starting or transit of any aircraft, vehicle or vessel or the sailing operations or navigation of any aircraft, vehicle or vessel, or unlawfully and with force board any aircraft, vehicle or vessel with intent so to do, each commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years or to a fine not exceeding two thousand dollars, or both.

68. (1) For the purposes of sections 69, 70, 71 and 72 the following definitions apply:

- (a) **“automatic rifle”** means any rifle so designed or adapted that if pressure is applied to the trigger missiles continue to be discharged until the pressure is removed from the trigger or until the magazine containing the missiles is empty;
- (b) **“dagger”** includes any sword, or any knife, or other instrument having a blade ending in a sharp point, which is not primarily designed for use in a profession, craft or business or for domestic use;
- (c) **“flick knife”** or **“flick gun”** means any knife which has a blade which opens automatically by hand pressure applied to a button, spring or other device in or attached to the handle of the knife;
- (d) **“firearm”** means any machine gun, sub-machine gun, rifle, shot gun, revolver, pistol, air gun, air pistol, or any lethal barreled weapon from which any shot, bullet or other missile can be discharged or noxious fumes can be emitted (except any air rifle, air gun or air pistol of a type prescribed by the Governor in Council and of a caliber so prescribed), and includes any component part of any such weapon and accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;
- (e) **“gravity knife”** means any knife that has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force and which, when released, is locked in place by means of a button, spring, lever or other device;

- (f) **“knife”** includes any cutting instrument, not having a dagger, whether ending in a sharp point or not;
- (g) **“offensive weapon”** includes any automatic rifle, bale, hook, block jack, bludgeon, cutlass, dagger, flick knife, firearm, gravity knife, ice pick, iron bar of any description,, knife, knuckle duster, open razor, pick handle, razor or razor blade, staff, stick, stone or sword, and any object adapted for use as a weapon;
- (h) **“prohibited weapon”** means any machine gun, sub-machine gun, automatic rifle or any weapon of any description or design, adapted for the discharge of any noxious liquid or gas and also any black jack, bludgeon, flick knife, gravity knife or knuckle duster.

(2) For the purposes of paragraph (b) of subsection (1), sword, knife or other instrument when worn or carried by any person shall be deemed to be a dagger unless it is designed primarily for use in a profession, craft or business exercised or carried on by such person or for domestic use, and is being worn or carried by such person for the purpose of its use in such profession, craft or business, or for domestic use.

69. Any person who imports into the Territory or manufactures, sells or hires or offers for sale or hire, or exposes or has in his possession for the purpose of sale or hire, or wears or carries in public, any prohibited weapon, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years or to a fine not exceeding ten thousand dollars, or both.

70. (1) Any person who carries or has in his possession any offensive weapon or any explosive or incendiary device, in any public place or outside his own house or premises, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

(2) Where the offensive weapon is a firearm, a person does not commit an offence under this section if he is in the possession of a firearm license, issued under the Firearms Ordinance and a permit in writing, signed by the Commissioner of Police, giving him permission to carry the firearm outside his house or premises.

(3) Where the offensive weapon is a knife, a person does not commit an offence under this section if he proves that he was wearing or carrying the knife outside his own house or premises for some lawful purpose, for which the knife was necessary.

(4) For the purposes of this section and imitation firearm shall be deemed to be an offensive weapon and “imitation firearm” means anything which has the appearance of a firearm, whether or not the same is capable of being fired.

(5) Nothing in this section shall be deemed to prevent any police officer or member of Her Majesty’s armed forces from wearing or carrying any firearm, sword, staff or other weapon issued for the purposes of his duty.

71. (1) A police officer who suspects that any person has concealed about his person any offensive weapon may request such person to accompany him to the nearest police station where the senior police officer on duty may cause the person to be searched.

(2) Any person who refuses to accompany a police officer when so required for the purpose of subsection (1) commits an offence and may be arrested without a warrant and is liable on conviction to a fine not exceeding one hundred dollars.

(3) Any offensive or prohibited weapon or explosive or incendiary device in respect of which any person has been convicted under this Part shall be forfeited to the Crown.

72. (1) A person who, in order to take possession thereof, enters into any building or onto any land in a violent manner, whether such violence consists in actual force applied to any other person, or in threats or in breaking open any house, or in collecting an unusual number of persons, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding three thousand dollars, or both.

(2) It is immaterial whether or not the person entering into a building or onto a land contrary to subsection (1) is entitled to enter into the building or onto the land.

(3) A person does not commit an offence under this section if he

- (a) acts in pursuance of a warrant or other lawful authority authorizing the use of force to gain entry into the building or onto the land; or
- (b) enters into a building or onto a land of his own, but which is in the custody of his servant agent or bailiff.

73. Any person who, being in actual possession of any building or land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace, against a person lawfully entitled to the possession thereof, commits the offence of forcible detainer and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

74. (1) A person who enters into or upon any property in possession of another with intent to commit an offence or to intimidate, insult or annoy any person in lawful possession of such property, or who, having lawfully entered into or upon the property, remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) If the property upon which the offence is committed under subsection (1) is a vessel, or a building or tent used as a human dwelling, or a building used as a place of worship, or as a

pace for the custody of property, the offender is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars.

75. A person who does any act with intent to provoke any other person to fight, whether in a public place or not, with any deadly or dangerous instrument, and any person who agrees or offers so to fight, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

76. A person who takes part in a fight in a public place commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

77. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding one year if he,

- (a) with intent to intimidate or annoy any person, threatens to break or damage a dwelling-house; or
- (b) with intent to alarm any person in a dwelling house, discharges any firearm or commits any breach of the peace.

(2) If an offence under subsection (1) is committed in the night, the offender is liable to imprisonment for a term not exceeding two years.

78. Any person who assemble together, to the number of two or more, for the purposes of unshipping, carrying or concealing any goods subject to customs duty and liable to forfeiture under any law relating to customs, commits an offence and each of them is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

PART IV

OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY

79. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years, if he

- (a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly solicit, receives or obtains, or agrees or attempts to receive or retain, any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done by him in the discharge of the duties of his office, or to be afterwards done or omitted to be done; or
- (b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon or for any person employed in the public service, or to, upon or for any other person, any property or benefit of any kind on account of such act or omission on the part of the person so employed.

80. Any person, who being employed in the public service, takes or accepts from any person for the performance of his duty as such officer, any reward beyond his proper pay and emoluments, or any promise of such reward, commits an offence, and is liable on conviction to imprisonment for a term not exceeding three years.

81. Any person who, being employed in the public service receives any property or benefit of any kind for himself, on the understanding, expressed or implied, that he shall favour the person giving the property or conferring the benefit, or any one in whom that person is interested, in any transaction then pending or likely to take place, between the person giving the property or conferring the benefit, or anyone in whom he is interested, and any person employed in the public service, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.

82. Any person who, being employed in the public service, and being charged by virtue of his employment with any judicial or administrative duties respecting property of a special character, or respecting the carrying on of any manufacture, trade or business of a special character, and having acquired or holding, directly or indirectly, a private interest in such property, manufacture, trade or business, discharges any such duties with respect to the property, manufacture, trade or business in which he has such interest or with respect to the conduct of any person in relation thereto, commits an offence and is liable to on conviction to imprisonment for a term not exceeding one year.

83. Any person who, being employed in the public service in such a capacity as to require him or enable him to furnish returns or statements touching any sum payable or claimed to be payable to himself or to any other person, or touching any other matter required to be certified for the purpose of any payment of money or delivery of goods to be made to any person, makes a return or statement as touching any such matter which is, to his knowledge, false in any material particular, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

84. (1) Any person who, being employed in the public service, does or directs to be done, in abuse of the authority of his office, any arbitrary act prejudicial to the rights of another, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years,

(2) If the act referred to in subsection(1) is done or directed to be done for the purposes of gain, the person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

85. Any person employed in the public service, who, being authorized or required by law to give any certificate which is, to his knowledge, false in any material particular, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

86. Any person who administers an oath, or who takes a solemn declaration or affidavit touching any matter with respect to which he has not by law any authority so to do, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.

87. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years, if he

- (a) not being a judicial officer, assumes to act as such; or
- (b) falsely represent himself to be a person authorized by law to sign a document testifying to the contents of any register or record kept by a lawful authority, or testifying to any fact or event and signs such document as being so authorized.

88. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years, if he

- (a) personates any person employed in the public service on an occasion when the latter is required to do any act or attend in any place by virtue of his employment; or
- (b) falsely represents himself to be a person employed in the public service and assumes to do an act or attend in any place for the purpose of doing any act by virtue of such employment.

89. A person who holds out any threat of injury to any person employed in the public service, or to any person in whom he believes that person employed in the public service to be interested, for the purpose of inducing that person employed in the public service to do any act or to forbear or delay to do any act connected with the exercise of the public functions of such persons employed in the public service, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

PART V

OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

90. Any person who practices any fraud or deceit, or knowingly makes or exhibits any false statement or representation to any person called, or to be called, as a witness in any judicial proceeding, with intent to affect the testimony of such person as a witness, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

91. Any person who, knowing that any book, document or thing, of any kind whatsoever, is or may be required in evidence, in any judicial proceeding, willfully removes or destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

92. Any person who swears falsely or makes a false affirmation or declaration before any person authorized to administer an oath or take a declaration upon a matter of public concern or private legal rights under such circumstances that the false swearing or declaration, if committed in a judicial proceeding would have amounted to perjury, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

93. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years, if he

- (a) conspires with any other person to accuse any person falsely of any offence or to do anything to obstruct, prevent, pervert or defeat the course of justice;
- (b) in order to obstruct the due course of justice, dissuades, hinders or prevents any person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours so to do; or
- (c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal.

94. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding three years, if he,

- (a) within the premises in which any judicial proceedings is being held, or within the precinct of same, shows disrespect, in speech or manner to or with reference to such proceedings, or any person before whom any such proceeding is being held;
- (b) having been summoned to give evidence in a judicial proceeding, fails to attend;
- (c) being present at a judicial proceeding and being called upon to give evidence refuses to be sworn or to make an affirmation;
- (d) having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document which it is within his power to produce;
- (e) having attended a judicial proceeding to give evidence remains in the room in which the proceeding is being held after the witnesses have been ordered to leave the room;
- (f) causes an obstruction or disturbance in the course of a judicial proceeding;
- (g) while a judicial proceeding is pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such proceeding, or calculated to lower the authority of any person before whom the proceeding is to be held
- (h) publishes a report of the evidence taken in any judicial proceeding which has been directed to be held in private;
- (i) attempts wrongfully to interfere with or influence a witness in any judicial proceeding, either before or after he has given evidence

- (j) dismisses any employee because he has given evidence on behalf of a certain party to a judicial proceeding;
- (k) wrongfully retakes possession of any land from any person to whom possession has been awarded by writ or order of a court; or
- (l) commits any other act or intentional disrespect to any court or any judicial proceeding or to any person before whom the proceeding is being held.

(2) When any offence against paragraphs (a), (c), (d), (e), (f), (g) or (l) of subsection (1) is committed in view of the court, the court may cause the offender to be detained in custody, and at any time before the rising of the court on the same day may take cognizance of the offence and summarily sentence the offender to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one month.

(3) The provisions of this section shall be deemed to be in addition to and not in derogation of the powers conferred by the Contempt of Court Act, the Magistrate's Code of Procedure Act, and any other powers of the High Court or the Court of Appeal to punish for contempt of court.

95. (1) Any person lawfully sworn as a witness, or as an interpreter, in a judicial proceeding who willfully makes a statement, material in that proceeding, which he knows to be false or does not believe to be true, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) Where a statement made for the purpose of a judicial proceeding is not made before the court or tribunal itself but is made on oath before a person authorized by law to administer an oath to the person who makes the statement and to record or authenticate the statement it shall, for the purpose of this section, be treated as having been made in a judicial proceeding.

(3) For the purpose of this section, it is immaterial whether

- (a) the person making the statement is or is not competent to be a witness and whether or not his evidence is admissible; and
- (b) the false testimony is given orally or in writing.

(4) The question whether a statement, in respect of which a charge of perjury is made, was material is a question of law to be determined by the court of trial.

(5) A person shall not be liable to be convicted of an offence under this section, or of any offence declared by any law to be perjury or subordination of perjury, solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

(6) For the purposes of this section, proceedings before any statutory body or tribunal which is empowered to take evidence on oath shall be deemed to be judicial proceedings.

96. Any person who aids, abets, counsels, procures or suborns another person to commit an offence under this Part commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

97. (1) Any person who, with the intent to mislead any court, fabricates evidence or knowingly makes use of fabricated evidence, to defeat, obstruct or pervert the course of justice in any judicial proceeding, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) A person fabricates evidence if he causes any circumstances to exist, or makes any false entry in any book, account or record false or make any document containing a false statement, or makes up a false story in any form whatsoever, or forges any document with intent to mislead any judicial proceedings.

(3) For the purposes of this section and sections 98 and 99 “court” includes a tribunal, commission or inquiry and any person authorized to take evidence on oath.

98. (1) Subject to subsection (2), where two or more inconsistent or contradictory statements of fact or alleged fact, material to the issue or matter in question, have been willfully made on oath by the same witness in any judicial proceedings, whether before the same court, that witness commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.

(2) A person shall not be convicted for an offence under this section unless the court is satisfied that the statements or either of them, were or was made with the intent to deceive the court, before which the statements or either of them were or was made.

(3) Upon the trial of any person for an offence under this section, it shall not be necessary to prove the falsity of either the inconsistent or contradictory statements, but upon proof that both the statements were made by the accused, and being satisfied that the accused had the intent referred to in subsection (2) the court may convict the accused.

(4) the trial of any person for an offence under this section, the record of any court containing any statement made on oath by the person charged shall be prima facie evidence of such statement.

99. On the trial of any person

(a) for perjury, or

(b) for procuring or suborning the commission of perjury,

the fact of a former trial before the court shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the proceedings at the former trial purporting to be signed by the Registrar or other person having custody of the

records of the court without proof of the signature or official status of the person appearing to have signed the certificate.

100. For the purposes of this Part, the form and ceremonies used in administering an oath are immaterial if the court or the person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question and if the oath has been administered in a form and with the ceremonies which the person taking the oath has accepted without objection or has declared to be binding on him.

101. Any person who asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person upon any agreement or understanding that he will compound or conceal an offence or will abstain from, discontinue or delay, a prosecution for an offence, or will withhold any evidence thereof, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

102. Any person who

- (a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no question will be asked, or that the person producing such property will not be seized or molested,
- (b) publicly offers to return to any person who may have bought or advanced money by way of loan upon an stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property, or
- (c) prints or publishes an offer referred to under paragraph (a) or (b)

commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

103. (1) Subject to subsection (2), any person who, by force, rescues or attempts to rescue from lawful custody any person,

- (a) who is under sentence of imprisonment for life or charged with an offence punishable with imprisonment for life commits an offence and is liable on conviction to imprisonment for life.
- (b) who is imprisoned on a charge or under sentence for an offence other than those specified in paragraph (a) commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.
- (c) in any other case, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

(2) If the person rescued is in the custody of a private person, the offender must have been aware of the fact that the person rescued is in lawful custody.

104. Any person who, being in lawful custody, escapes from such custody commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

105. Any person who, having another person in his custody, intentionally or negligently permits him to escape, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

106. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years, if he

(a) aids a prisoner in escaping or attempting to escape from lawful custody, or

(b) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner.

(2) A person who harbours or assists in any manner another person in harbouring a prisoner who has escaped from lawful custody, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

107. Any person who, when any property has been attached or taken under the process or authority of a court, knowingly and with intent to hinder or defeat the attachment process receives, removes, retains, conceals or disposes of such property, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

108. Any person who willfully obstructs or resists any person lawfully charged with the execution of an order or warrant of a court, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

109. Any person who, being employed in the public service, in the discharge of his duties, commits any fraud or breach of trust affecting the public, whether such fraud or breach of trust would have been criminal or not if committed against a private person, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

110. A person who gives to any person employed in the public service any information in the truth of which he does not believe, intending thereby to cause, or knowing it to be likely that he will thereby cause, such person employed in the public service

(a) to do or omit anything which such person employed in the public service ought not to do or omit if the true state of facts respecting which such information is given were known to him, or

(b) to use lawful power of such person employed in the public service to the injury or annoyance of any person, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

PART VI

OFFENCES RELATING TO RELIGION

111. Any person who destroys, damages or defiles any place of worship or any object which is held sacred by any group or class of persons with the intention thereby of insulting the religion of those persons or with the knowledge that any group or class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

112. Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or ceremony, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

113. Any person who, with the intention of wounding the religious feelings of any other person, writes any word, or utters any word or makes any sound in the hearing of any other person or makes any gesture or places an object in the sight of any other person, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

114. Any person who unlawfully hinders the burial of the dead body of any person, or, without lawful authority in that behalf, disinters, dissects or harms the dead body of any person, or being under a duty to cause the dead body of any person to be buried, fails to perform such duty, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

115. (1) Any person who, with the intention of wounding the feelings of any other person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that any person is likely to be wounded or that any person is likely to consider that his religion has been insulted thereby, trespasses in any place of worship or of sculpture, or which is set apart for the performance of funeral rites or for the burial or depository of the remains of the dead, or who offers any assembly for any funeral ceremony commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

(2) Any person who willfully removes, damages or interferes with in any way flowers, candles, wreaths, tombstones or any other thing whatsoever placed on or near a grave in memory or respect of or as a tribute to the dead, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

(3) For the purposes of this section, any flowers, candles, wreaths, tombstones or other thing placed on or near a grave shall, until the contrary be proved, be deemed to have been so placed in memory or respect of or as tribute to the dead.

PART VII
SEXUAL OFFENCES

116. (1) For the purposes of this Part,

“brothel” means a house, room or any other place resorted to by more than one prostitute for the purposes of prostitution, and the fact that one of the women is the owner or tenant and the occupier of the premises is immaterial;

“man” includes a boy;

“woman” includes a girl; and

“unlawful sexual intercourse” means sexual intercourse outside the bond of marriage.

(2) Where upon the trial of an offence under this Part it is necessary to prove intercourse (whether natural or unnatural) it shall not be necessary to prove the completion of the intercourse by the emission of seed, but the intercourse shall be deemed to be complete upon proof of penetration only.

117. (1) A man who rapes a woman commits an offence and is liable on conviction to imprisonment for life.

(2) A man commits rape if

(a) he has unlawful sexual intercourse with a woman who at the time of the intercourse did not consent to it, and

(b) at the time he knows that she does not consent to the intercourse or he is reckless as to whether she consented to it.

(3) If at the trial for a rape offence the jury has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters in considering whether he so believed.

(4) In subsection (3) a “rape offence” means rape or attempted rape, or aiding, abetting, counseling or procuring rape or attempted rape, or incitement to rape.

(5) For the purposes of this section, a woman is deemed not to have consented to sexual intercourse if her acquiescence is obtained by threat of force or use of force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act or, in the case of a married woman, by personating her husband.

(6) On a trial for rape, the jury may find the accused guilty of

- (a) sexual intercourse with a girl under the age of thirteen years, under section 118;
- (b) sexual intercourse with a girl under the age of sixteen years, under section 119;
- (c) indecent assault on a woman, under section 124;
- (d) procurement of a woman by threats, under section 129;
- (e) procurement of a woman by false pretences, under section 130;
- (f) administering drugs to obtain or facilitate intercourse, under section 131; or
- (g) common assault, under section 183.

(7) A person may be charged for attempting to commit rape or aiding, abetting, counseling or procuring rape or attempting rape, or inciting to rape and is liable on conviction to imprisonment for a term not exceeding seven years.

118. (1) Any man who has sexual intercourse with a girl under the age of thirteen years, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) It is immaterial in the case of a charge for an offence under this section that the intercourse was had with the consent of the girl concerned.

(3) Any man who is convicted of an attempt to commit an offence under this section is liable to imprisonment for a term not exceeding seven years.

119. (1) Subject to the provisions of this section, a man who has unlawful sexual intercourse with a girl above the age of thirteen and under the age of sixteen years, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) It is immaterial in the case of a charge for an offence under this section that the intercourse was had with the consent of the girl concerned.

(3) Where a marriage is void under section 24A of the Marriage Ordinance because the wife is under the age of sixteen years, the invalidity of the marriage does not make the husband guilty of an offence under this section because he had sexual intercourse with her, if at the time he believed her to be his wife and had reasonable cause for the belief.

(4) A man shall not be convicted of an offence under this section because he has unlawful sexual intercourse with a girl under the age of sixteen if he is under the age of twenty one years, and has not previously been charged with a like offence, and he believes her to be of the age of sixteen years or over and has reasonable cause for the belief.

120. (1) Subject to the provisions of this section, a man who has unlawful sexual intercourse with a woman who is a mental defective, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) A man shall not be convicted of an offence under this section if he did not know and had no reason to suspect that the woman was a mental defective.

(3) For the purpose of this section, it is immaterial that the unlawful sexual intercourse was had with consent.

(4) In this section “a mental defective” means a woman who has been ordered to be detained under the provisions of the Mental Health Ordinance or who is shown by the evidence of two medical practitioners to be suffering from mental disorder, psychopathic disorder or sub-normality.

121. (1) A husband commits the offence of sexual assault if he has sexual intercourse with his wife without her consent by force or fear where there is in existence in relation to them

(a) a decree nisi of the divorce;

(b) a decree of judicial separation

(c) a separation agreement;

(d) a protection order made under the Domestic Violence (Summary Proceedings) Act, 1996; or

(e) any other order for the husband not to molest his wife or have sexual intercourse with her.

(2) A husband who commits the offence of sexual assault is liable on conviction to imprisonment for a term not exceeding ten years.

(3) No proceedings for an offence under this section shall be instituted except by or with the consent of the Attorney General.

122. (1) A man who has sexual intercourse with a woman whom he knows to be his grand-daughter, daughter, step-daughter, sister or mother, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

(2) In subsection (1), “sister” includes half-sister, and for the purpose of that subsection importing a relationship between two people shall be taken to apply notwithstanding that the relationship is not traced through lawful wedlock.

(3) It is immaterial in the case of a charge for an offence under this section that the intercourse was had with the consent of the woman concerned.

(4) A man convicted if an attempt to commit an offence under this section is liable to imprisonment for a term not exceeding five years.

123. (1) A woman of the age of sixteen years or over who permits a man whom she knows to be her grandfather, father, brother, son or step-son to have sexual intercourse with her, with her consent, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

(2) In subsection (1) “brother” includes half-brother, and for the purposes of that subsection any expression importing a relationship between two people shall apply notwithstanding that the relationship is not traced through lawful wedlock.

(3) A woman convicted of an attempt to commit an offence under this section is liable to imprisonment for a term not exceeding five years.

124. (1) Subject to the provisions of this section, any man who makes an indecent assault on a woman commits an offence and is liable on conviction,

(a) if on a girl under the age of thirteen years, to imprisonment for a term not exceeding five years, or

(b) in any other case, to imprisonment for a term not exceeding three years.

(2) A girl under the age of sixteen years cannot in law give consent, which would prevent an act being an assault for the purpose of this section.

(3) Where a marriage is invalid under section 24A of the Marriage Ordinance, because the wife is under the age of sixteen years, the invalidity of the marriage does not make the husband guilty of an offence under this section by reason of her incapacity to consent while under that age, if he believes her to be his wife and has reasonable cause for that belief.

(4) A woman who is a lunatic, or a mental defective who is receiving treatment for mental or psychopathic disorder, cannot in law give consent which would prevent an act being an assault for the purpose of this section, but a person is only to be treated as guilty of an indecent assault under this section by reason of such incapacity to consent if that person knew or had reason to know that such woman was a lunatic or mental defective receiving treatment.

125. Any person who commits an act of gross indecency with or towards a child under the age of fourteen years or who incites a child under that age to such act with him or another, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars, or both.

126. Any person who is the owner or occupier of any premises or who has, or acts or assists in, the management or control of any premises and who induces or knowingly allows a girl under that age of sixteen years to resort or to be on those premises for the purpose of having sexual intercourse with men or with a particular man, commits an offence and is liable on conviction to imprisonment for life.

127. (1) Any person who causes or encourages the prostitution of, or the commission of sexual intercourse with, or an indecent assault on, a girl under the age of sixteen years for whom he is reasonable, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

(2) Where a girl has become a prostitute, or has had sexual intercourse or has been indecently assaulted, a person shall be deemed for the purposes of this section to have caused or encouraged it if he knowingly allows her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

(3) Subject to subsection (4), the persons who are to be treated, for the purposes of this section, as responsible for a girl are

- (a) any person who is her parent or legal guardian;
- (b) any person who has the custody or control of her, or to whose charge she has been committed by her parents or legal guardian or by a person having the custody of her; and
- (c) any other person who has the custody, charge or care of her.

(4) In subsection (3),

- (a) “parent” does not include, in relation to any girl, a person deprived of the custody of her by order of any court of competent jurisdiction, but (subject to that) in the case of a girl who has been adopted under the Adoption of Children Act, means her adopters and in the case of a girl who was born outside of marriage, means her mother and any person who has been adjudged to be her (putative) father; and
- (b) “legal guardian” means, in relation to any girl, any person who is for the time being her guardian having been so appointed according to law by deed or will or by order of a court of competent jurisdiction.

(5) If a charge for an offence under this section, the girl appears to the jury to have been under the age of sixteen years at the time of the offence charged, she shall be presumed to for the purposes of this section to have been so unless the contrary is proved.

128. (1) Any person who, within the Territory, procures or attempts to procure, a woman

- (a) to become a common prostitute, whether within the Territory or elsewhere,
- (b) to leave the Territory, intending her to become an inmate of or to frequent a brothel elsewhere,
or
- (c) to leave her usual place of abode in the Territory, intending her to become an inmate of or to frequent a brothel in any part of the world for the purposes of prostitution,

commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless the witness is corroborated in some material particular,

129. Any person who procures or attempts to procure a woman by threats or intimidation to have unlawful sexual intercourse, whether within the Territory or elsewhere, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

130. Any person who procures, or attempts to procure a woman by false pretences or false representation to have unlawful sexual intercourse whether within the Territory or elsewhere, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

131. (1) Any person who applies or administers to, or causes to be taken by, a woman any drug, matters or thing with intent to stupefy or overpower her so as thereby to enable any man to have unlawful sexual intercourse with her, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) A person shall not be convicted of an offence under this section on the evidence of one witness only, unless that witness is corroborated in some material particular.

132. (1) Any person who detains a woman against her will on any premises with the intention that she shall have unlawful sexual intercourse with men or with a particular man, or who detains a woman against her will in a brothel, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

(2) Where a woman is on any premises for the purpose of having unlawful sexual intercourse, or is in a brothel, a person shall be deemed, for the purposes of this section, to detain her there if, with the intention of compelling or inducing her to remain there, he either withholds from her clothes or any other property belonging to her or threatens her with legal proceedings in the event of her taking away clothes provided for her by him or on his directions.

(3) A woman shall not be liable to any legal proceedings, whether civil or criminal, for taking away or being found in possession of any clothes she needed to enable her to leave premises on which she was for the purposes of having unlawful sexual intercourse or to leave a brothel.

133. (1) A man who knowingly lives wholly or partly on the earnings of prostitution, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years or to a fine not exceeding ten thousand dollars, or both.

(2) For the purposes of this section, a man who lives with or is habitually in the company of a prostitute, or who exercises control over a prostitute's movements in a way which shows he is aiding, abetting or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

134. A woman who, for the purposes of gain, exercises control, direction or influence over a prostitute's movements in any way which shows that she is aiding, abetting or compelling her prostitution, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years or to a fine not exceeding ten thousand dollars, or both.

135. Any person who knowingly lives wholly or partly on the earnings of prostitution of a man, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars, or both.

136. Any person who keeps a brothel or manages or assists in managing a brothel commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

137. (1) Any person who is the owner or lessor, or who is the occupier or in control, of any premises, or his agent, who lets or arranges for the letting of the premises as a brothel, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars, or both.

(2) Upon the conviction of a person for an offence under subsection (1), after having been previously convicted of an offence under that subsection, he shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding here thousand dollars, or both.

138. Any person who commits or attempts to commit an indecent assault on a man or procures or attempts to procure a man to commit an indecent assault on another man, commits an offence and is liable on conviction to imprisonment for a term not exceeding three years.

PART VIII

ABORTION

139 (1) Subject to the provisions of this section, any person who

- (a) being with child, with intent to procure he own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, or
- (b) with intent to procure the miscarriage of any woman whether or not she is with child, unlawfully administers to her, or causes her to take, any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent,

commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) A person shall not be convicted of an offence under subsection (1) when a pregnancy is terminated in a hospital, or other establishment approved for the purposes by the Director of Health Services, by a medical practitioner if two medical practitioners are of the opinion, formed in good faith,

(a) that the continuance of the pregnancy would involve risk of life of the pregnant woman, or injury to the physical or mental health of the pregnant woman greater than if the pregnancy were terminated; or

(b) that there is a substantial risk if the child were born it would suffer from such physical or mental abnormality as to be seriously handicapped.

(3) The reference to the opinion of two medical practitioners and of an approved hospital or other establishment shall not apply to the termination of pregnancy by a registered medical practitioner in a case in which he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

140. Any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether or not she is with child, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

141. (1) Any person who, with intent to destroy the life of a child capable of being born alive, by any willful act or omission causes a child to die before it has an existence independent of its mother, commits an offence and is liable on conviction to imprisonment for life.

(2) A person shall not be convicted of an offence under subsection (1) if it is proved that the act, which caused the death of the child, was done in good faith for the purpose only of preserving the life of the mother.

(3) For the purposes of this section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be prima facie proof that she was at the time pregnant of a child capable of being born alive.

PART IX

OFFENCES RELATING TO MARRIAGE

142. (1) Subject to subsection (2), any person who, being married, marries any other person during the life of the former husband or wife, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) A person shall not be convicted of an offence under subsection (1) by reason of marrying a second time in any of the following cases:

(a) where the husband or wife, as the case may be, of the person marrying a second time has been continually absent from such person for the space of three years immediately preceding the date of the second marriage, and has not been known to the other party to the first marriage to have been living during any part of such period;

(b) where the husband or wife, as the case may be, who marries a second time, although no such period of three years as is specified to in paragraph (a) has elapsed, in good faith and on reasonable grounds believed at the time of the second marriage that the other party to his first marriage was dead; or

(c) where, prior to the date of the second marriage, the first marriage has been dissolved or declared to be void or a decree of nullity made by a court of competent jurisdiction.

(3) The husband or wife of a person charged with bigamy may be called as a witness for the prosecution or the defence without the consent of thee person charged.

143. Any person who willfully and by fraud causes any woman, who is not lawfully married to him, to believe that she is lawfully married to him, and to cohabit or have sexual intercourse with him in that belief, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

144. Any person who dishonestly, or with fraudulent intention, goes through a sham marriage ceremony, knowing that he is not thereby lawfully married, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

145. Any person who impersonates another person in a marriage ceremony, or who marries under a false name or description , with intent to deceive the other party to the marriage, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

PART X

GENOCIDE

146. (1) In this Part, “the Genocide Convention” means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9th December, 1948.

(2) A person commits an offence of genocide if he commits any act falling within the definition of “genocide” in Article II of the Genocide Convention, as set out in subsection (3)

(3) “Genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group:

(a) killing members of the group;

(b) causing serious bodily or mental harm to members of the group;

(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

(d) imposing measures intended to prevent births to another group;

(e) forcibly transferring children of the group to another group.

147. (1) A person who commits the offence of genocide is liable on conviction,

(a) if the offence consists of the killing of any person, to imprisonment for life;

(b) in any other case, to imprisonment for a term not exceeding fourteen years.

(2) A prosecution in respect of genocide shall not be instituted except by, or with the consent of, the Attorney General.

PART XI

HOMICIDE AND OTHER OFFENCES AGAINST THE PERSON

148. (1) Subject to subsection (2) and to the provisions of section 149, 151 and 154, any person who, of malice aforethought express or implied, causes the death of another person by an unlawful act or omission commits murder.

(2) Where on the facts found the offence would under the law of England be reduced to one of manslaughter, then the offence shall be so reduced.

(3) For the purposes of this section, malice aforethought shall be deemed to be established by evidence proving

(a) an intention to cause the death of or to so grievous bodily harm to any person, whether such person is the person actually killed or not, or

(b) knowledge that the act or omission causing death will probably cause the death of or cause grievous bodily harm to some person, whether or not such person is the person actually killed, although such knowledge is accompanied by indifference whether or not death or grievous bodily harm is caused, or by a wish that it may be caused.

149. (1) Where a person kills or is party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or other inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts in doing or being a party to the killing.

(2) On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder.

(3) A person who but for this section would be liable, whether as principal or otherwise, to be convicted of murder shall be liable instead to be convicted of manslaughter.

(4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

150. Any person who is convicted of murder is liable to imprisonment for life.

151. (1) Where on a charge of murder there is evidence on which a jury can find that the person charged was provoked (whether by things done or things said or both) to lose his self-control, the question whether the provocation was enough to make a reasonable man do as he did shall be left to be determined by the jury, and the jury shall take into account everything done and said according to the effect which, in their opinion, it would have on a reasonable man.

(2) Where on a charge of murder, the jury find that all the other elements of the offence have been proved, but there is evidence of provocation, such as is referred to in subsection (1), the jury shall not return a verdict of guilty of murder but shall return a verdict of guilty of manslaughter.

(3) For the purposes of this section, "provocation" is any wrongful act or insult which is of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial or fraternal relation, to deprive him of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered.

152. Any person who, by any means, attempts to commit murder is liable on conviction to imprisonment for life.

153. (1) Any person who, by any unlawful act or omission, causes the death of another person, commits the offence of manslaughter.

(2) Any person who is convicted of manslaughter is liable to imprisonment for life.

(3) For the purposes of this section, an unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

154. (1) Where a woman by any willful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or the reason of the effect of lactation consequent upon the birth of the child, then notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she commits the offence of infanticide, and may for such offence be dealt with and punished as if she had committed the offence of manslaughter.

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of the opinion that by any willful act or omission she caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the jury, notwithstanding that the circumstances were such that but for this section they might have returned a verdict of murder, may return in lieu thereof a verdict of manslaughter.

(3) Nothing in this section shall affect the power of the jury upon an indictment for murder of a child to return a verdict of manslaughter, or a verdict of guilty but insane, or a verdict of concealment of birth in pursuance of section 161.

155. (1) Any person who maliciously sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter, writing or other document threatening to kill or murder any person, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

(2) For the a purposes of subsection (1), “document” shall be deemed to include any disc, tape, sound track or other device in which sounds or other data are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom.

156. Any person who conspires with another person or solicits, encourages, persuades, endeavors to persuade, or proposes to any other person to murder any person, whether such person is within the Territory or elsewhere, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

157. (1) Any person who aids, abets, counsels or procures the suicide of another, or the attempt by another to commit suicide, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) If on the trial of an indictment for murder or manslaughter it is proved that the accused aided, abetted, counseled or procured the suicide of the person in question, the jury may find him guilty of the offence.

158. (1) It shall be manslaughter and not murder for a person acting in pursuance of a suicide pact between him and another person to kill the other person or to be a party to that other person killing himself or being killed by a third person.

(2) Where it is shown that the person charged with the murder of another person killed that other or was a party to his killing himself or being killed it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him and the other person

(3) For the purposes of this section, “suicide pact” means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person entering into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has a settled intention of dying in pursuance of that pact.

159. A person shall be deemed to have caused the death of another person, although his act is not the immediate or the sole cause of death, in any of the following cases:

- (a) if he inflicts bodily injury on another person in consequence of which that other person undergoes surgical or medical treatment which causes his death, and in such a case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury shall not be

deemed to have caused the death if the treatment which was the immediate cause of the death was not employed in good faith or was so employed without common knowledge and skill;

- (b) if he inflicts bodily injury on another person which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his mode of living;
- (c) if by actual or threatened violence he caused such other person to perform an act which causes the death of that person, such act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;
- (d) if by any act or omission he hastens the death of another person suffering under any disease or injury which, apart from such act or omission, would have caused death;
- (e) if his act or omission would not have caused death unless accompanied by an act or omission of the person killed or another person.

160. A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, whether it has independent circulation or not and whether the naval string is severed or not.

161. Any person who, when a woman is delivered of a child, endeavours by any secret disposition of the dead body of the child, to conceal birth, whether the child died before, at or after its birth, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

162. (1) A person shall not be deemed to have killed another person if the death of that person does not take place within a year and a day of the act or omission alleged to have contributed to the death of that other person.

(2) The period referred to in subsection (1) shall be reckoned inclusive of the date on which the last act or omission contributing to the death occurred.

163. Any person who unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person with intent so to do or with intent to resist or prevent the lawful apprehension or detainer of any person, commits an offence and is liable on conviction to imprisonment for life.

164. Any person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

165. Any person who unlawfully wounds another person, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

166. Any person who, by means whatsoever, attempts to choke, suffocate or strangle any other person, or who by any means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious or incapable of resistance with intent in any such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any criminal offence, commits an offence and is liable on conviction to imprisonment for life.

167. Any person who unlawfully applies or administers to, or causes to be taken by, or who attempts to administer to or attempts to cause to be taken by, any other person, any chloroform, laudanum or other anesthetic or any stupefying or overpowering drug, matter or thing, with intent in any of such cases thereby to enable himself or any other person to commit or with the intent in any of such cases thereby to assist any other person in committing, any criminal offence, commits an offence and is liable on conviction to imprisonment for life.

168. Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing so as thereby to endanger the life of such person, or so as thereby to inflict upon such other person any grievous bodily harm, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

169. Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing with intent to injure, aggrieve or annoy such person, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

170. Any person who unlawfully and maliciously prevents or impedes any person, being on board of or having quitted any ship or vessel which is in distress or wreck, stranded or cast on shore, in his endeavour to save his life, or unlawfully and maliciously prevents or impedes any other person in his endeavour to save the life of any such person, commits an offence and is liable on conviction to imprisonment for life.

171. Any person who unlawfully and maliciously, by the use of any corrosive substance or the explosion of any explosive substance, burns, maims, disfigures, disables or causes any grievous bodily harm to any person, commits an offence and is liable on conviction to imprisonment for life.

172. Any person who unlawfully or maliciously

- (a) causes any explosive substance to explode'
- (b) sends or delivers or causes to be taken or received by any person any explosive substance or any other dangerous or noxious thing,
- (c) puts or lays at any place any corrosive fluid or any destructive or explosive substance, or
- (d) casts or throw upon or otherwise applies to any person any corrosive fluid or any destructive or explosive substance,

with intent in any such case to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, commits an offence and is liable on conviction to imprisonment for life.

173. Any person who unlawfully and maliciously places or throws in, into, upon, against or near any building, aircraft, ship or vessel any explosive substance it intent to do any bodily injury to any person, whether or not any explosion takes place and whether or not any bodily injury be effected, commits an offence and is liable on conviction to imprisonment for life

174. Any person who unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or to cause serious injury to property, whether any injury to person or property has been actually caused or not, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

175. (1) Any person who sets or places or causes to be set or paced any spring gun, mantrap or other engine or other device (including any electrical device or wiring) calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may kill or inflict grievous bodily harm upon a trespasser or other person coming into contact therewith, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

(2) Any person who knowingly and willfully permits any such contrivance, engine or device as is referred t in subsection (1), which may have been set or placed in any place, then being in or afterwards coming into his possession, to continue so set or placed shall be deemed to have set or placed the same with such intent as is referred to in subsection (1).

(3) Nothing in this section contained shall extend to make it illegal to set or place any trap or other device such as may have been or may be usually set with the intent of destroying vermin.

176. Any person who unlawfully discharges or attempts to discharge any firearm at ay person or, being armed with a firearm, unlawfully threatens to discharge such firearm at any person, commits an offence and is liable on conviction in addition to any other liability for any offence he may thereby commit, to imprisonment for a term not exceeding five years.

177. Any person who is authorized by law, or by the consent of a person injured by him, to use force shall be criminally responsible for the consequences of the force he may use, if it exceeds what is reasonable, having regard to all the circumstances of the case.

178. Any person who, in any manner so rash or negligent as to endanger human life or safety,

(a) drives or rides in any public place,

(b) navigates or takes part in the navigation or working of any vessel or aircraft,

(c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from fire or any combustible matter in his possession or control,

- (d) omits to take precautions against any probable danger from any animal in his control or possession,
- (e) dispenses, supplies, sells, administers or gives away any medicine or poisonous or dangerous matter,
- (f) does any act with respect to, or omits to take proper precautions against, any probable danger from any machinery of which he is solely or partly in charge, or
- (g) does any act with respect to, or omits to take proper precautions against, any probable danger from any explosive or firearm in his possession or control,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

179. Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in section 178, by which act or omission harm is caused to any person, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

180. Any person who does with any poisonous substance any act in a manner so rash or negligent as to endanger human life or be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such care with any poisonous substance in his possession or control as is sufficient to guard against probable danger to human life from such poisonous substance, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

181. (1) Any person who unlawfully masks, alters or destroys or removes any beacon, light or signal, or unlawfully exhibits any false light or signal with intent to bring any aircraft or vessel into danger or who unlawfully and maliciously does anything tending to the immediate loss or destruction of any aircraft or vessel, commits an offence and is liable on conviction to imprisonment for life.

(2) Any person who unlawfully and maliciously cuts away, casts adrift, alters, defaces, sinks, conceals or destroys any beacon, buoy, rope, perch or mark used or intended for the guidance of seamen or airmen for the purposes of navigation, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(3) For the purposes of this section, “beacon” includes any radio beacon and “signal” includes any radio or similar signal.

182. Any person who knowingly or negligently conveys or causes any person to be conveyed for hire by water or air in any vessel or aircraft when the vessel or aircraft is in such a state or so loaded as to be unsafe, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.

183. Any person who unlawfully assaults another commits an offence and, if the assault is not committed in circumstances for which a greater punishment is provided by this Code or any other

law, is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

184. Any person who commits an assault occasioning actual bodily harm commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

185. Any person who assaults and strikes or wounds a judicial or police officer or other person lawfully authorized in or on account of the execution of his duty or concerning the preservation of any vessel or aircraft in distress, or of any vessel or aircraft or goods or effects wrecked, stranded or cast on any land or shore, or lying under water, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

186. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding two years, if he

- (a) assaults any person with intent to commit an offence or to resist to prevent the lawful apprehension or detainer of himself or another for any offence;
- (b) Assaults, resists or obstructs any person engaged in the lawful execution of process, or in making lawful distress, with intent to rescue any property lawfully taken under such process or distress; or
- (c) Assaults any person on account of any act done by him in the execution of any duty imposed on him by law.

187. Any person who is guilty of an aggravated assault on any female, or on any male child whose age appears to the court not to exceed fourteen years, if the assault is not committed in circumstances for which a greater punishment is provided by this Code, is liable on conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

188. Any person who assaults, resists or willfully obstructs any police officer acting in the due execution of his duty, or any person acting in aid of such officer, or who assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself or any other person for any offence, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand dollars, or both.

PART XII

NEGLECT ENDANGERING LIFE OR HEALTH

189. Any person who either as a master or as mistress of any apprentice or servant,

- (a) being legally liable to provide for the apprentice or servant necessary food, lodging or clothing, without lawful excuse, refuses or neglects to provide the same, or

- (b) unlawfully or maliciously does, or causes to be done, any bodily harm to the apprentice or servant,

so that the life of the apprentice or servant is endangered or the health of the apprentice or servant is, or is likely to be, thereby seriously or permanently injured, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

190. Any person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is, or is likely to be, endangered, or his health is, or is likely to be, seriously or permanently injured, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

191. Any person who unlawfully abandons or exposes any child, being under the age of two years, whereby the life of the child is endangered or the health of the child is, or is likely to be, seriously or permanently injured, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

192. (1) If any person, who has attained the age of sixteen years and has the custody or care of any young person under that age, willfully assaults, ill-treats, neglects, abandons or exposes him or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight or hearing or organ of the body and any mental derangement), that person commits an offence and is liable

- (a) on conviction on indictment to imprisonment for a term not exceeding five years, or to a fine not exceeding five thousand dollars, or both; or
- (b) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or both.

(2) For the purposes of this section,

- (a) a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected the child or young person in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him;
- (b) where it is proved that the death of an infant under the age of three years was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or the air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was when he went to bed under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health;
- (c) any person, having attained the age of sixteen years, who gives, or causes to be given, or sells or causes to be sold, to any child under the age of ten years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended

sickness, or other urgent cause, shall be deemed to have ill-treated that child in a manner likely to cause injury to the child's health;

- (d) any person, having attained the age of sixteen years, and having the custody, charge or care of any child under the age of seven years, who allows that child to be in any room or yard containing a stove, coal-stove or open fire-place, not sufficiently protected to guard against the risk of that child being burnt or scalded, without taking reasonable precautions against the risk, and by reason thereof that child is killed or suffers serious injury, shall be deemed to have neglected that child in a manner likely to cause injury to the child's health.

(3) A person may be convicted under this section

- (a) notwithstanding that actual suffering or injury to health or the likelihood of actual suffering or injury to health, was obviated by the action of another person;

- (b) notwithstanding the death of the child or young person in question.

(4) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that such sum of money was accruing or becoming payable, then

- (a) in the case of a conviction on indictment, the amount of the fine which may be imposed under this section shall be seven thousand dollars and the court in lieu of any penalty under this section may sentence the person convicted to imprisonment for a term not exceeding seven years; and

- (b) in a case of summary conviction, the court in determining the sentence shall take into consideration the fact that the person convicted was so interested and had such knowledge.

(5) For the purposes of subsection (4),

- (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any shares in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and

- (b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting or issuing the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(6) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a child or young person to administer punishment to him.

193. Any person who unlawfully does an act or omits to do an act which it is his duty to do, by which act or omission harm is caused to any other person, in circumstances which do not constitute an offence under any other provisions of this Code or any other law, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

PART XIII

ABDUCTION, KIDNAPPING AND SIMILAR CRIMES

194. For the purposes of this Part,

(a) any person who, without lawful authority, by force or threat or by any deceitful means compels or induces any person to go from any place is said to abduct that person; and

(b) any person who, without lawful authority,

(i) conveys any person beyond the limit of any Territory without the consent of that person or of some person legally authorized to consent on behalf of that person, or

(ii) imprisons any person within the Territory in such manner as to prevent him from applying to a court for his release or from discovering to any other person the place where he is imprisoned or in such manner as to prevent any such person entitled to have access to him from discovering the place where he is so imprisoned, is said to kidnap that person.

195. Any person who kidnaps another person commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

196. Any person who abducts another person with intent to cause that other person to be taken beyond the limits of the Territory or to be secretly and unlawfully confined within the Territory, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

197. Any person who abducts or kidnaps a female of any age with intent to marry or have sexual intercourse with her, or to cause her to be married or to have sexual intercourse with any other person, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

198. Any person who unlawfully takes or causes to be taken, any unmarried girl under the age of sixteen years, out of the possession and against the will of her father or mother or other person having the lawful care or charge of her, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

199. (1) Any person who,

- (a) unlawfully either by force or fraud, leads or takes away, or decoys or entices away, or detains any child under the age of fourteen years with intent to deprive any parent, guardian or other person having the lawful care or charge of such child, of the possession of the child,
- (b) with intent to steal any article upon or about the person of such child, to whoever the article may belong, by force or fraud, leads or takes away, or detains the child, or
- (c) with any such intent receives or harbours any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away or detained as in this section mentioned,

commits and offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) It is a defence to a charge under subsection (1) if the accused claims in good faith and establishes a right to the possession of the child, or is the mother or father of the child.

200. Any person who, without lawful authority, confines another person, in circumstances not constituting an offence under any of the other provisions of this Part, commits and offence and is liable on conviction to imprisonment for a term not exceeding five years.

201. Any person who unlawfully compels another person to labour against the will of that other person, commits and offence and is liable on conviction to imprisonment for a term not exceeding five years.

PART XIV

OFFENCES RELATING TO PROPERTY

202. For the purposes of this Part,

- (a) “gain” and “loss” are to be construed as extending not only to gain or loss in money or other property, but as extending to any such gain or loss whether temporary or permanent; and
- (i) “gain” includes a gain by keeping what one has, as well as gain by getting what one has not; and
- (ii) “loss” includes a loss by not getting what one might get, as well as a loss by parting with what one has;
- (b) “goods”, except in so far as the context otherwise requires, includes money and every other description of property except land, and includes things severed from the land by stealing.

203. (1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other or it, and “thief” and “steal” shall be construed accordingly.

(2) It is immaterial whether or not the appropriation is made with a view to gain, or is made for the thief's own benefit.

(3) Section 204 and 208 shall have effect as regards the interpretation and operation of this section and (except as otherwise provided by this Part) shall apply only for the purposes of this section.

204. (1) A person's appropriation of property belonging to another is not to be regarded as dishonest,

- (a) if he appropriates the property in the belief that he has in law the right to deprive the other of it on behalf of himself or of a third person;
- (b) if he appropriates the property in the belief that he would have the other's consent if the other knew of the appropriation and the circumstances of it; or
- (c) (except where the property came to him as a trustee or personal representative) if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.

(2) A person's appropriation of property belonging to another may be dishonest notwithstanding that he is willing to pay for the property.

205. (1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of the right to it by dealing with it as its owner.

(2) Where property or right or interest in property is or purports to be transferred for value to a person acting in good faith, no later assumption by him of the rights which he believed himself to be acquiring shall, by reason of any defect in the transferor's title, amount to theft of the property.

206. (1) "Property" includes money, defined, whether in the form of cash, cheque, credit card, bank draft, money order or otherwise, and all other property, real or personal, including things in action and other intangible property.

(2) In the case of a credit card the interest or number comprised in the card shall constitute property.

(3) A person cannot steal land, or things forming part of land and severed from it by him or his directions, except in the following cases:

- (a) when he is a trustee or personal representative, or is authorized by power of an attorney, or as a liquidator of a company, or otherwise, to sell or dispose of land belonging to another, and he appropriates the land or anything forming part of it by dealing with it in breach of the confidence reposed in him;
- (b) when he is not in possession of the land and appropriates anything forming part of the land by severing it or causing it to be severed, or after it has been severed; or

(c) when, being in possession of the land under a tenancy, he appropriates the whole or part of any fixture or structure let to be used with the land.

(4) For the purposes of this section, “land” does not include incorporeal hereditament and “tenancy” means a tenancy for years or any less period and includes an agreement for such tenancy, but a person who after the end of the tenancy remains in possession as statutory tenant or otherwise is to be treated as having possession under the tenancy, and “let” shall be construed accordingly.

(5) A person who picks mushrooms growing wild on any land or who picks flowers, fruit or foliage from a plant growing wild, on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purposes, and for the purposes of this section “mushroom” includes any fungus, and “plant” includes any shrub or tree.

(7) Wild creatures, tamed or untamed, shall be regarded as property, but a person cannot steal a wild creature not tamed nor ordinarily kept in captivity, or the carcass of any such creature unless it has been reduced into possession by or on behalf of another and possession of it has not since been lost or abandoned, or another person is in the course of reducing it into possession.

207. (1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from a agreement to transfer or grant an interest).

(2) Where property is subject to a trust, the persons to whom it belongs shall be regarded as including any person having a right to enforce the trust, and an intention to defeat the trust shall be regarded accordingly as an intention to deprive of the property any person having that right.

(3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other.

(4) Where a person gets property by another’s mistake, and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then to the extent of that obligation the property or proceeds shall be regarded (as against him) as belonging to the person entitled to restoration and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds.

(5) Property of a corporation sole shall be regarded as belonging to the corporation notwithstanding a vacancy in the corporation.

208. (1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if the intention is to treat the thing as his own to be disposed of regardless of the other’s right, and the borrowing or lending of it may amount to so treating it if the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal.

(2) Without prejudice to the generality of subsection (1) where a person having possession or control (whether lawfully or not) of property belonging to another, parts with the property under a condition as to its return which may not be able to perform, this (if done for the purposes of his own and without the other's authority) amounts to treating the property as his own regardless of the other's rights.

209. Any person who commits theft is guilty of an offence and is liable on conviction to imprisonment

(a) on summary conviction, for a term not exceeding two years; or

(b) on conviction on indictment for a term not exceeding ten years.

210. (1) A person is guilty of robbery if he steals and, immediately before or at the time of doing so, and in order to do so, he uses force on any person or seeks to put any person in fear of being then and there subjected to force.

(2) A person who commits robbery is guilty of an offence and is liable on conviction to imprisonment for life.

211. (1) A person commits the offence of burglary if

(a) he enters a building or part of a building as a trespasser and with intent to commit any offence mentioned in subsection (2);

(b) having entered a building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or attempts to inflict on any person therein any grievous bodily harm.

(2) The offences referred to in subsection (1) (a) are offences of stealing anything in the building in question, of inflicting on any person in the building any grievous bodily harm or raping any woman in the building, and of doing unlawful damage to the building or anything therein.

(3) References in this section to a building shall apply also to any inhabited vehicle or vessel and shall apply to any such vehicle or vessel at time when the person having a habitation in it is not there as well as at time when he is.

(4) Any person who is convicted of burglary is liable on conviction to imprisonment for a term not exceeding fourteen years.

212. (1) A person commits the offence of aggravated burglary if he commits burglary and at the time have with him any firearm or imitation firearm, any weapon of offence, or any explosive

(2) Any person who is convicted of aggravated burglary is liable to imprisonment for life.

(3) For the purposes of this section

- (a) “firearm” includes an air gun or air pistol, and “imitation firearm” means anything which has the appearance of being a firearm, whether capable of being discharged or not;
- (b) “weapon of offence” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and
- (c) “explosive” means any article or substance manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.

213. (1) Subject to subsections (2) and (3), where the public having access to a building in order to view the building, or part of it, or a collection or part of collection housed in it, any person who without lawful authority removes from the building or its grounds the whole or any part of any article displayed, or kept for display, to the public in the building or that part of it or in its grounds, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

(2) For the purposes of this section, “collection” includes any collection got together for the temporary purpose, but does not include a collection made or exhibited for the purpose of affecting sale or other commercial dealings.

(3) It is immaterial for the purposes of subsection (1) that the public’s access to a building is limited to a particular period or occasion, but where anything removed from the building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this section unless he removes it on a day when the public have access to the building as mentioned in subsection (1).

(4) A person does not commit an offence under this section if he believes that he has lawful authority for the removal of the thing in question or that he would have that authority if the person entitled to give it knew of the removal and the circumstances of it.

214. Any person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity, commits an offence and is liable on summary conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand dollars, or both.

215. Any person who dishonestly uses a telephone, fax, or telex system with intent to avoid payment, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand dollars, or both.

216. (1) Any person who, for his own use or that of another person takes any conveyance constructed or adapted for the carriage of a person, whether by land, water or air, without having the person’s consent thereto of the owner or hirer thereof (including a hirer under a self-drive or hire purchase contract) or not having other lawful authority or, knowing that such conveyance has been taken without such consent or authority, drives it or allows himself to be carried in or on it, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand dollars, or both and in addition the court may order the offender to

pay the owner of the conveyance compensation for the use thereof and for any damage caused to the conveyance.

(2) It is a defence to a charge under subsection (1) to show that the person charged has an honest belief that he acted under lawful authority or that in the circumstances the owner or hirer would have given his consent had he been aware of the taking.

(3) If on a trial for the theft of a conveyance it is found that the accused was not guilty of the theft of the conveyance but then it is proved that the accused committed an offence under this section, he may be found guilty of the offence, and convicted, under this section.

217. (1) Any person who, by any deception, dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it, commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

(2) For the purposes of this section a person shall be treated as obtaining property if he obtains ownership, possession or control of it and “obtain” includes obtaining for another or enable another to obtain or retain.

(3) Section 208 shall apply for the purposes of this section, with the necessary adaptation of the reference of the appropriating, as it apply for the purposes of section 203.

(4) For the purposes of this section and sections 218 and 219 “deception” means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.

218. (1) Subject to subsection (2), any person who, by any deception,

(a) dishonestly secures the remission of the whole or any part of any existing liability to make a payment whether his or another’s liability,

(b) with intent to make permanent default in whole or in part on any existing liability to make a payment, or with intent to let another do so, dishonestly induces the creditor to wait for payment (whether or not the due date for payment is deferred) or to forego payment, or

(c) dishonestly obtains any exemption from or abatement of liability to make a payment, commits an offence and is liable

(i) on summary conviction to imprisonment for a term not exceeding one year; or

(ii) on conviction on indictment to imprisonment for a term not exceeding five years.

(2) For the purposes of this section, “liability” means legally enforceable liability, and subsection (1) shall not apply in relation to a liability that has not been accepted or established to pay compensation for a wrongful act or omission.

(3) For the purposes of subsection (1) (b), a person induced to make in payment a cheque or other security for money by way of conditional satisfaction of a pre-existing liability is to be treated as not being paid but as induced to wait for payment.

(4) For the purposes of subsection (1) (c), “obtains” includes obtaining for another or enabling another to obtain.

219. (1) Any person who, by any deception, dishonestly obtains for himself or any other person any pecuniary advantage, or any services from another, commits an offence and is liable

(a) on summary conviction, to imprisonment for a term not exceeding one year; or

(b) on conviction on indictment to imprisonment for a term not exceeding five years.

(2) The cases in which a pecuniary advantage within the meaning of this section is to be regarded as obtained for a person are where

(a) any debt or charge for which he makes himself liable or is or may become liable (including one not legally enforceable) is reduced in whole or in part or evaded or deferred;

(b) he is allowed to borrow on overdraft, or to take out a policy of insurance or annuity contract, or obtains an improvement of the terms on which he is allowed to do so; or

(c) he is given the opportunity to earn a remuneration or greater remuneration in any office or employment, or to win money by betting.

(3) For the purposes of subsection (1), the obtaining of services by any person involves circumstances where the other person is induced to confer a benefit by doing some act, or causing or permitting some act to be done on the understanding that the benefit has been or will be paid for.

220. (1) Subject to subsection (3), a person who, knowing that payment on the spot for any goods supplied or services done is required or expected of him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

(2) For the purposes of this section, “payment on the spot” includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

(3) Subsection (1) shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service is such that payment is not legally enforceable.

221. (1) Any person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another,

- (a) destroys, defaces, conceals or falsifies any account or any record or document made or required for an accounting purpose, or
- (b) in furnishing information for any purpose, produces or makes use of any account or any such record or document, which to his knowledge is or may be misleading, false or deceptive in a material particular,

commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) For the purposes of this section, a person who makes or concurs in making in any account or other document an entry which is or may be misleading, false or deceptive in a material particular, or who omits or concurs in omitting a material particular from an account or other document, is to be treated as falsifying the account or document.

222. (1) Where an offence under this Part is committed by a body corporate and is proved to have been committed with the consent or connivance of any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate commits an offence and are liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

223. (1) Where a director or officer (by whatever name called) of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive the members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement, account or other document which to his knowledge is or may be misleading, false or deceptive in a material particular, he commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) For the purposes of this section, a person who has entered into a security for the benefit of a body corporate or association shall be deemed to be a creditor of it.

(3) Where the affairs of a body corporate or association are managed by its members, this section shall apply to any statement, account or document which a member publishes or concurs in publishing in connection of that body corporate or association.

224. (1) Any person who dishonestly, with a view to gain for himself or another, or with intent to cause loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court of justice or any Government department, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) Any person who dishonestly, with a view to gain for himself or another, or with intent to cause loss to another, by any deception procures the execution of a valuable security, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(3) Subsection (2) shall apply in relation to the making, acceptance, endorsement, alteration, cancellation or destruction in whole or in part of a valuable security, and in relation to the signing or sealing of any paper or other material in order that it may be made or converted into, or used or dealt with as, a valuable security, as if that were the execution of a valuable security.

(4) For the purposes of this section “deception” has the same meaning as in section 217 and “valuable security” means any document creating, transferring, surrendering or releasing any right to, in or over property, or authorizing or evidencing the creation, transfer, surrender or release of any such right or the payment of money or the delivery of any property, or the satisfaction of any obligation.

225. (1) A person commits the offence of blackmail, if with a view to gain for himself or another, or with intent to cause loss to another, he makes any unwarranted demand with menaces.

(2) For the purpose of subsection (1), a demand with menaces is unwarranted unless the person making it does so in the belief

(a) that he has reasonable grounds for making the demand; and

(b) that the use of menaces is a proper means of reinforcing the demand.

(3) The nature of the act or omission demanded is immaterial, and is also immaterial whether the menaces relate to action to be taken by the person making the demand.

(4) Any person convicted of blackmail is liable to imprisonment for a term not exceeding fourteen years.

226. (1) A person handles stolen goods if (otherwise than in the course of stealing), knowing or believing them to be stolen goods, he dishonestly receives the goods or dishonestly undertakes or assists in their retention, removal, disposal or realization by or for the benefit of another person or if he arranges so to do.

(2) Any person who handles stolen goods commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

227. (1) The provisions of this Code relating to goods which have been stolen shall apply, whether the stealing occurred in the Territory or elsewhere (and whether it occurred before or after the commencement of this Code), provided that the stealing, if not an offence under this Code, amounted to an offence where and at the time when the goods were stolen, and references to stolen goods shall be construed accordingly.

(2) For the purposes of those provisions, references to stolen goods shall include, in addition to the goods originally stolen and parts of them, whether in their original state or not,

- (a) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of the thief as being the proceeds of any disposal or realization of the whole or part of the goods stolen or of goods so representing the stolen goods; and
- (b) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of a handler of the stolen goods, or any part of them, as being the proceeds of any disposal or realization of the whole or part of the stolen goods handles by him or of goods so representing them.

(3) Notwithstanding subsection (1) and (2), no goods shall be regarded as having continued to be stolen goods after they have been restored to the person from whom they were stolen or to other lawful possession or custody, or after that person and any other person claiming through him have otherwise ceased, as regards those goods, to have any right to restitution in respect of the theft.

(4) For the purposes of the provisions of this Code relating to goods which have been stolen (including the provisions of this section), goods obtained in the Territory or elsewhere by blackmail, or in the circumstances referred to in section 217 (1), shall be regarded as stolen, and “steal”, “theft” and “thief” shall be construed accordingly.

228. (1) Any number of persons may be charged n one incident, with reference to the same theft, with having at different times or at the same time handled all or any of the stolen goods, and the persons so charged may be tried together.

(2) On the trial of two or more persons charged for jointly handling any stolen goods the court or the jury, as the case may be, may find any of the accused guilty if satisfied that he handled any of the stolen goods, whether or not he did so jointly with the other accused or any of them.

(3) Where a person is charged with handling stolen goods (but not with any offence other than handling stolen goods), then at any stage of the proceedings, if evidence has been given of his having or arranging to have in his possession the goods that are the subject of the charge, or of his undertaking, or assisting in, or arranging to undertake or assist in their retention, removal, disposal or realization, the following evidence shall be admissible for the purpose of proving that he knew or believed the goods to be stolen goods:

- (a) evidence that he has had in his possession, or has undertaken or assisted in the retention, removal, disposal or realization of the stolen goods from any theft taking place not earlier than twelve months before the offence charged; and
- (b) evidence that he has within five years preceding the date of the offence charged been convicted of theft, or of handling stolen goods, provided that seven days’ notice in writing has been given to him of the intention to prove the conviction.

(4) This section shall be construed in accordance with section 227, and in subsection (3) (b) the references to theft and handling stolen goods shall be construed to include any corresponding offence committed before the coming into force of this Code.

229. (1) I any proceedings for the theft of anything in the course of transmission (whether by post or otherwise), or for handling stolen goods from such a theft, a statutory declaration made by any

person that he dispatched or received or failed to receive any goods or postal packet, or that any goods or postal packet when dispatched or received by him were in a particular state or condition, shall be admissible as evidence of the facts stated in the declaration, subject to the following conditions:

- (a) a statutory declaration shall only be admissible where and to the extent to which oral evidence to the like effect would have been admissible in the proceedings; and
- (b) a statutory declaration shall only be admissible if at least seven days before the trial of the charge a copy of it has been given to the accused person and he has not, at least three days before the trial or within such other time as the court may in any particular case allow, given the prosecutor written notice requiring the attendance at the trial of the person making the declaration.

(2) This section shall be construed in accordance with section 227.

230. (1) A person commits an offence if, when not at his place of abode, he has with him any article for use in the course of or in connection with any burglary, theft or cheat, and is liable on conviction to imprisonment for a term not exceeding three years.

(2) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be, committing an offence under this section.

(3) Where a person is charged with an offence under this section, proof that he had with him any article made or adapted for use in committing a burglary, theft or cheat shall be evidence that he had it with him for such use.

(4) For the purpose of this section an offence under section 216 shall be treated as theft.

231. When any person is convicted of an offence under this Part, the court may order that any article referred to in section 230 (1) carried or used in connection with any such offence, or found in possession of or under the control of such person at the time of his arrest, shall be forfeited to the Crown, or returned to the owner if the article was removed from his possession for such purpose and without his knowledge or consent.

232. (1) Where goods have been stolen, and either a person is convicted of an offence under this Part with reference to the theft (whether or not the stealing is the gist of the offence) or a person is convicted of any other offence but such an offence is taken into consideration in determining his sentence, the court by or before which the offender is convicted may, on the conviction (whether or not the passing of the sentence is in other respects deferred), exercise any of the following powers:

- (a) the court may order anyone having possession or control of the goods to restore them to any person entitled to recover them from him;
- (b) on the application of a person entitled to recover from the person convicted any other goods directly or indirectly representing the first-mentioned goods (as being the proceeds of any

disposal or realization of the whole or part of them or of goods so representing them), the court may order those other goods to be delivered to the applicant; or

(c) the court, whether or not an application is made in that behalf, may order that a sum not exceeding the value of the first-mentioned goods shall be paid, out of any money of the person convicted which was in his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.

(2) Where under subsection (1) the court has power on the conviction of a person to make an order against that person both under paragraph (b) and paragraph(c) thereof with reference to the stealing of the same goods, the court may make orders under both paragraphs provided that the person in whose favour the orders are made does not thereby recover more than the value of those goods.

(3) Where under subsection (1) the court on a person's conviction makes an order under paragraph (a) thereof for the restoration of any goods, and it appears to the court that the person convicted has sold the goods to a person acting in good faith, or has borrowed money on the security of them from a person so acting, the court may order that there shall be paid to the purchaser of the lender, out of any money of the person convicted which was taken out of his possession on his apprehension, a sum not exceeding the amount paid for the purchase by the purchaser or, as the case may be, the amount owed to the lender in respect of the loan.

(4) The powers conferred by subsection (3) exercised whether or not an application in that behalf is made to the court by or on behalf of any person claiming to be interested in the property concerned.

(5) The court shall not exercise the powers conferred by this section unless in the opinion of the court the relevant facts appear from the evidence given at the trial or the available documents, together with admissions made by or on behalf of any person in connection with any proposed exercise of the said powers, and for this purpose "the available documents" means any written statements or admissions which were made for use, and depositions taken at any committal proceedings and any written statements or admissions used as evidence in those proceedings.

(6) Where a person is committed to the High Court for sentence under the provisions of the Criminal Procedure (Committal for Sentence) Act, the powers conferred by this section shall be exercisable by the High Court and not by the Magistrate's Court, and the High Court shall be deemed to be the court before which such person is convicted.

(7) Where an order is made under this section and the person convicted successfully appeals against the conviction of the offence on the basis of which the order was made, the order shall cease to have effect, and a person against whom such an order is made may appeal against the order as if it was part of the sentence imposed on the conviction for the offence.

PART XV

FORGERY, COINING AND COUNTERFEITING

233. (1) For the purposes of this Code, forgery is the making of a false document in order that it may be used as genuine, and in the case of seals and dies referred to in this Part the counterfeiting of a seal or die, and forgery with intent to defraud or deceive shall be punishable as in this Part provided.

(2) A document is false within the meaning of this Part if the whole or any material part thereof purports to be made by or on behalf, or on account, of a person who did not make it not authorize its making, or if though made by or on behalf, or on account, of the person by whom or by whose authority it purports to have been made, the time or place of making, where either is material, or, in the case of a document identified by number or mark, the number or any distinguishing mark identifying the document, is falsely stated therein, and in particular, a document is false

- (a) if any material alteration, whether by addition , insertion, obliteration, erasure, removal or otherwise, has been made in the document;
- (b) if the whole or some material part of it purports to have been made by or on behalf of a fictitious or deceased person; or
- (c) if though made in the name of an existing person, it is made by him or by his authority with the intention that it should pass as having been made by some person, real or fictitious, other than the person who made or authorized it.

(3) A document may be a false document for the purposes of this Part notwithstanding that it is not false in such manner as is described in subsection (2).

(4) For the purposes of this Part,

- (a) it is immaterial in what language a document is expressed or in what place, whether within or without the Territory, it is expressed to take effect;
- (b) forgery of a document may be complete even if the document when forged is incomplete, or is not or does not purport to be such a document as would be binding in law;
- (c) the crossing on any cheque, draft on a banker, post office money order, postal order, coupon or other document the crossing of which is authorized or recognized by law, shall be a material part of such cheque, draft, order, coupon or document;
- (d) “document” does not include a trade mark or other sign used in connection with articles of commerce, although written or printed;
- (e) “currency note” includes any notes (by whatever name called) which are legal tender in the country in which they are issued;
- (f) “bank note” includes any note or bill of exchange of any person or body carrying on banking business in any part of he world.

234. An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person, ascertained or unascertained, capable of being defrauded thereby, and this presumption is not rebutted by proof that the offender took or intended to take measures to prevent such persons from being defrauded in fact, nor by the fact that he had or thought he has a right to the thing to be obtained by the false document.

235. (1) Any person who, with intent to defraud, forges any of the following documents, commits an offence and is liable on conviction to imprisonment for life:

- (a) any will codicil or other testamentary document, either of a dead or a living person, or any probate of letters of administration, whether with or without the will annexed;
- (b) any deed or bond, or any assignment at law or equity of any deed or bond or any attestation of the execution of any deed or bond;
- (c) any currency note or bank note or any endorsement on or assignment of any bank note.

(2) Any person who, with intent to defraud, forges any of the following documents, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years:

- (a) any valuable security or assignment thereof or endorsement thereon, or where the valuable security is a bill of exchange, any acceptance thereof;
- (b) any document of title to lands or any assignment thereof or endorsement thereon;
- (c) any document of title to goods or any assignments thereof or endorsement thereon;
- (d) any power of attorney or other authority to transfer any share or interest in any stock, annuity or public fund of any state or country, or interest in the debt of any public body, company or society in any country or in the capital stock of any such company or society or to receive any dividend or money payable in respect of such share or interest, or any attestation of any such power of attorney or other authority;
- (e) any policy of insurance or any assignment thereof;
- (f) any charter-party or any assignment thereof.

236. (10) Any person who, with intent to defraud or deceive, forges any document having thereon or affixed thereto the stamp or impression of the Great Seal of the United Kingdom, Her Majesty's Privy Seal, any privy signet of Her Majesty, Her Majesty's Royal Sign manual, or any other of Her Majesty's official seals, or the seal or signature of the Governor, commits an offence and is liable on conviction to imprisonment for life.

(2) Any person who, with intent to defraud or deceive forges any of the following documents, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

- (a) any register or record of births, baptisms, marriages, deaths, burials or cremations, which is by law authorized or required to be kept in the Territory, or any part of such register or any certified copy of any such register or part thereof;
- (b) any copy of any register referred to in paragraph (a) directed or required by law to be transmitted to any registrar or other officer;
- (c) any certified copy of any record or document purporting to be signed by any officer having charge of any public records or documents in the Territory.
- (d) Any wrapper or label provided by or under the authority of any customs officer

(3) Any person who, with intent to defraud or deceive, forges any of the following documents, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years;

- (a) any official document of or belonging to any court of justice, or made or issued by any judge, magistrate, justice of the peace, clerk or officer of any such court;
- (b) any register or book kept under the provisions of any law in or under the authority of any court of justice;
- (c) any certificate, office copy or certified copy of any such document, register or book, or any part thereof as is mentioned in paragraph (a) or (b);
- (d) any other document which any judge, magistrate, or justice of the peace is authorized or required by law to make or issue;
- (e) any document which any person authorized to administer an oath under any law in force in the Territory is authorized or required by law to make or issue;
- (f) any document made or issued by the head of any department of the Government or by the Attorney General or any other legal officer in the public service, or any document upon which, by law or usage in force at the time, any court of justice or public officer might act;
- (g) any document or copy of any document used or intended to be used in evidence in any court of justice or any document which is made evidence by law;
- (h) any certificate or consent required by any law relating to the celebration of marriage;
- (i) any license for the celebration of marriage authorized to be issued by any law relating to the celebration of marriage;

- (j) any certificate, declaration or order under any law relating to the registration of births or deaths;
- (k) Any register, book, certificate, declaration, bill of sale, instrument or certificate of mortgage or sale under any law relating to merchants shipping, or any entry or endorsement required by such law to be made in or on any of those documents;
- (l) Any permits, certificate or similar document made or issued under the Customs Ordinance or Customs Duties Ordinances;
- (m) Any official certificate not specified in this subsection;
- (n) Any document purporting to be printed by the Government Printer.

237. Any person who, being the clerk of any court or either officer having the custody of the records of any courts or a person acting on behalf of any such clerk or officer, makes or utters any false process or any false copy or certificate of any record knowing the same to be false, and any person who delivers or causes to be delivered to any person any paper falsely purporting to be any such process or a copy thereof or to be any judgment, decree or order of any court, or a copy thereof, knowing that same to be false, or who acts or professes to act under any such false process knowing the same to be false, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

238. Any persons who knowingly and unlawfully inserts, or cause or permits to be inserted, in any register of births, baptisms, marriage, death or burials, which is by law authorized or required to be kept in the Territory, or in any certified copy thereof any false entry or any matter relating to any birth, baptism, marriage, death or burial, or knowingly gives any false certificate relating to any such occurrence or certifies any writing to be a copy of or extract from any such register, knowing such writing or the part of such register in which such copy or extract is so given, to be false in any material particular, or offers, utters, disposes of or puts off any such register, entry, certified copy or certificate or a copy thereof knowing the same to be false, commits an offence and is liable on conviction to imprisonment for life.

239. Any person who

- (a) forges any passport, or
- (b) makes any statement which to his knowledge is untrue for the purpose of procuring the issue of a passport, whether for himself or for another person,
- (c) alters a passport, whether by addition, insertion, obligation, erasure, removal or otherwise;
- (d) destroys, makes away with or by willful neglect allows another person to obtain possession of, a passport,

- (e) is in unlawful possession of a passport or, being the lawful holder of a passport, [arts with the possession of the passport to another person without lawful authority or for an unlawful purpose, or
- (f) on finding a passport, neglects or fails within seven days of the finding thereof, to deliver the passport to the Chief Immigration Officer or to the Officer in charge of the nearest Police Station

Commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both

240. (1) Any person who, with intent to defraud or deceive, forges any public or private document which is not made an offence under any provision of this Part, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

(2) For the purposes of this section, any person who certifies any document as being a true copy of, or extract from, any other document, knowing the same not to be a true copy or extract in a material respect, shall be deemed to have forged that copy or extract.

241. (1) Any person who forges any of the following seals with intent to defraud or deceive, commits an offence and is liable on conviction to imprisonment for life.

- (a) the Great Seal of the United Kingdom, Her Majesty's Privy Seal, any privy signet of her Majesty, Her Majesty's Royal Sign Manual, or any other of Her Majesty's seals or the seal of the Governor;
- (b) the seal of any courts of justice.

(2) Any person who forges any of the following seals or dies, with intent to defraud or deceive, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years:

- (a) the seal of any registry office relating to births, baptisms, marriages or deaths;
- (b) any seal of or belonging to any office for the registry of deeds or of title to land or any interest in land
- (c) the seal of a notary public;
- (d) any die provided for, made or used by the Accountant General or any officer of customs;
- (e) any die which is or has by law, whether within the Territory or elsewhere, or be used for the marking or stamping of any gold or silver plate or any articles made of or containing gold or silver;

- (f) any stamp or die made or used for the purposes of the Post Office Act or the Stamp Act.

242. (1) Any person who knowingly, with intent to deceive or defraud, utters any forged document, seal or die, commits an offence and is liable on conviction to the same punishment as if he had himself forged the document, seal or die.

(2) A person utters a forged document, seal or die, who, knowing the same to be forged, and with either of the intents necessary to contribute the offence of forging the document, seal or die in question, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges, tenders in evidence, or puts off the said forged document, seal or die.

(3) a person may be convicted in the Territory of an offence under subsection (1) whether the document, seal or die was forged within the Territory or elsewhere, if it was uttered in the Territory.

243. Any person who knowingly utters, as and for a subsisting and effectual document, any document which has by any lawful authority been ordered to be revoked, cancelled or suspended, or the operation of which has ceased by lapse of time, or by death or the happening of any other event commits an offence and is liable on conviction to the same punishment as if he himself forged the document.

244. Any person who, with intent to defraud, demands, receives or obtains, or causes or procures to be delivered, paid or transferred to any person any money, security for money or other property, real or personal,

- (a) under, upon or by virtue of any forged document, knowing the same to be forged, or

- (b) under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil or testamentary writing on which such probate or letters of administration have been obtained to have been forged, or knowing such probate or letters of administration to have been obtained by virtue of any false oath, affirmation or affidavit,

commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

245. (1) Any person who, without lawful authority or excuse, the proof of which lies upon him, imports into the Territory, purchases or receives from any person, or has in his custody or possession a forged currency note or bank note, knowing the same to be forged, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) Any person who, without lawful authority or excuse, the proof of which lies upon him, knowing the same to be forged, has in his custody or possession

- (a) any forged die required or authorized by law (including the law of any country outside the Territory) to be used for the marking of gold or silver plate, or any articles made of or containing gold or silver, or any ware of gold or silver or base metal bearing the impression of any such forged die,

(b) any forged stamp or die resembling or purporting to represent any stamp or die made or used for the purposes of the Post Office Act or the Stamp Act, or

(c) any forged wrapper, label or authority resembling or purporting to represent any wrapper, label or authority provided by or under the authority of any customs officer or the Accountant General,

commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(3) Where the having of any document, seal or die in the custody or possession of any person is an offence under this Part, a person shall be deemed to have that thing in his possession if,

(a) he has it in his personal custody or possession; or

(b) knowingly and willfully, he has it in the actual custody or possession of any other person, or in any place, whether open or closed, or any building or structure, whether belonging to or occupied by himself or not.

(4) It is immaterial whether the thing is had in such custody, possession or place for the use of himself or another person.

246. (1) Any person who, without lawful authority or excuse, the proof of which lies upon him,

(a) makes, uses, or knowingly has in his custody or possession, any paper intended to resemble and pass as

(i) special paper such as is provided and used for making any currency note, bank note or government bill, or

(ii) revenue paper,

(b) makes, uses, or knowingly has in his custody or possession, any frame, mould or instrument for making any revenue paper or for producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to or used in or on any such paper,

(c) engraves or in any manner makes on any substance or material any words, figures, letters, marks, lines or devices, the print of which resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to or used in or on any currency note or bank, or in or on any document entitling or evidencing or purporting to entitle or evidence the title of any person to any share or interest in any public stock, annuity, fund or debt of any body corporate, company or society established in any country, or

(d) uses or knowingly has in his custody or possession any paper upon which anything referred to in paragraph (c) has been printed or in any manner made as is mentioned in this subsection,

commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

In this section “revenue paper” means any paper provided by the proper authority for the purpose of being used for stamps, licenses, permits, post office money orders, or for any purpose connected with the public revenue of the Territory or of any other country.

247. Any person who, without lawful authority or excuse, the proof of which lies upon him, acquires, receives, or knowingly has in his custody or possession,

- (a) any such special paper or revenue paper as is referred to in section 246 (1) before it has been duly stamped, signed and issued for public use,
- (b) any die peculiarly used in the manufacture of any such paper,
- (c) any facsimile of the signature on, or the design of, any currency note which is legal tender in the Territory, or
- (d) any unfinished or incomplete currency note purporting to be similar to a currency note which is legal tender in the Territory,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

248. For the purposes of this Part,

- (a) a coin shall be deemed to be current if at the material time it is legal tender in the Territory or elsewhere;
- (b) a coin apparently intended to resemble or pass as a current coin shall be deemed to resemble that coin
- (c) a current coin which has been gilt, silvered, washed, coloured or cased over, or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin resembling a current gold or silver coin;
- (d) references to silver coin shall be deemed to include coin of cupro nickel;
- (e) a thing shall be deemed to be in the possession of a person if
 - (i) he has it in his personal custody or possession; or
 - (ii) knowingly and willfully, he has it in the actual custody or possession of any other person or in any place, whether open or closed or any building or structure, whether belonging to or occupied by himself or not, and

it is immaterial whether the thing is had in such custody, possession or place for the use of himself or another.

249. (1) Any person who falsely makes or counterfeits any coin resembling any currency coin, commits an offence and is liable on conviction,

- (a) in the case where the coin resembles a current gold or silver coin, to imprisonment for life; and
- (b) in the case where the coin resembles a current coin made of any metal other than gold or silver, to imprisonment for a term not exceeding seven years.

(2) The offence of falsely making or counterfeiting a coin is deemed to be complete although the coin made or counterfeiting thereof has not been finished or perfected.

250. (1) Any person who impairs, diminishes or lightens any current gold or silver coin with intent that the coin so impaired, diminished or lightened may pass for a current gold or silver coin, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) Any person who unlawfully has in his possession any filing or clipping, or any gold or silver bullion, or any gold or silver dust, solution or otherwise, which has been produced or otherwise obtained by impairing, diminishing or lightening any current gold or silver coin, knowing that it has been so produced or obtained, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

251. (1) Any person who tenders, utters or puts off any false counterfeit coin resembling any current gold or silver coin, knowing it to be false or counterfeit, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) Any person who tenders, utters or puts off any false counterfeit coin resembling any current gold or silver coin, knowing it to be false or counterfeit, and

- (a) at the time of the tendering, uttering or putting off, has in his possession, beside that coin, other such false or counterfeit coin, or
- (b) at the date of the tendering, uttering or putting off, within the period of ten days next following that date, tenders, utters or puts off any other such false or counterfeit coin, knowing it to be false or counterfeit,

commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars, or both.

(3) Any person who has in his possession three or more false or counterfeit coins resembling any current gold or silver coin, knowing them to be false or counterfeit, and with intent to utter or put off those coins, or any of them, commits an offence and is liable on conviction to imprisonment for a term not exceeding five years.

(4) Any person who has in his possession three or more false or counterfeit coins resembling any current coin not made of gold or silver, knowing them to be false or counterfeit, and with intent to utter or put off those coins, or any of them, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(5) Any person who commits

- (a) any offence under subsection (1) in respect of a coin resembling a current gold or silver coin, or
- (b) any offence under subsection (2) or (3),

having previously been convicted of any such offence or of any other offence under this Part, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(6) Any person who, with intent to defraud, tenders, utters or puts off as for any current gold or silver coin

- (a) any coin not being that current coin and being of less value than that current coin, or
- (b) any metal or piece of metal or mixed metals resembling in size, figure or colour that current coin

commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(7) The offence of tendering, uttering or putting off a false or counterfeit coin is deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

252. (1) Any person who, without lawful authority or excuse, the proof of which lies on him, buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin resembling any current coin at or for a lower rate of value than the false or counterfeit coin imports or apparently intended to import, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) An offence under this section shall be deemed to be complete although the coin involved in the offence is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

253. (1) Any person who, without lawful authority or excuse, the proof of which lies on him,

- (a) imports or receives into the Territory any false or counterfeit coin resembling any current coin, knowing it to be false or counterfeit, or
- (b) exports from the Territory, or puts on board any aircraft or vessel for the purpose of being so exported, any false or counterfeit coin resembling any current coin, knowing it to be false or counterfeit,

commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

(2) The provisions of this section shall be without prejudice to any provisions of any other law relating to customs under which there is a prohibition of importation or exportation of false or counterfeit coin, currency or metal tokens resembling coin, or coin which is not of the established standard in weight or fineness.

254. Any person who, without lawful authority or excuse, the proof of which lies on him, makes, sells, offers for sale or has in his possession for sale, any medal, cast, coin or other thing made wholly or partially of metal or any mixture of metals,

- (a) resembling in size, figure and colour current gold or silver coin,
- (b) having thereon a device resembling a device on any such current coin, or
- (c) being so formed that it can, by gilding, silvering, colouring, washing or other like process be so dealt with as to resemble any such current coin,

commits an offence and is liable on conviction to imprisonment for a term not exceeding one year.

255. (1) Any person who, without lawful authority or excuse, the proof of which lies on him, knowingly makes or mends, or begins to make or mend, or buy or sells or has in his possession any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould in or upon which there is made or impressed, or which will make or impress, or which is adapted or intended to make or impress, the figure, stamp, or apparent resemblance of both or either of the sides of any current gold or silver coin, commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) Any person who, without lawful authority or excuse, the proof of which lies on him, makes or mends, or begins to make or mend, or buys or sells, or has in his possession,

- (a) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, graining or other marks or figures apparently resembling those on the edges of any current gold or silver coin, knowing it to be so adapted and intended, or
- (b) any press for coinage, or any cutting engine for cutting by force of a screw, or of any contrivance, round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing the engine or machine to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current gold or silver coin,

commits an offence and is liable on conviction to imprisonment for a term not exceeding fourteen years.

(3) Any person who, without lawful authority or excuse, the proof of which lies on him, knowingly makes or mends, or begins to make or mend, or buys or sells or has in his possession, any instrument, tool or engine adapted and intended for the counterfeiting of any current coin, which is not a current gold or silver coin, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

256. (1) Any person who defaces any current coin by stamping thereon any names or words, whether or not the coin is thereby diminished or lightened, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) A tender of payment in money made in any coin which has been defaced as is mentioned in subsection (1) is not legal tender.

(3) Any person who tenders, utters or puts off any coin which has been defaced as is mentioned in subsection (1), commits an offence and is liable on conviction to a fine not exceeding one hundred dollars.

(4) No proceedings for an offence under this section shall be instituted without the consent of the Attorney General.

257. Any person who melts down, breaks up or uses otherwise than as currency, any current coin which is legal tender in the Territory, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

258. Any person who, without lawful authority or excuse, the proof of which lies on him, mutilates, perforates or in any way defaces any currency note or bank note, which is legal tender in the Territory, whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement, commits an offence and is liable on conviction to a fine not exceeding two hundred dollars.

259. (1) Any person who, without lawful authority or excuse, the proof of which lies on himself, sells or offers or exposes for sale any article which bears a design in imitation of any currency note, bank note or coin which is legal tender in the Territory or elsewhere, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or both.

(2) Any person who makes or causes to be made, or uses for any purpose, any document purporting to be in any way resembling, or so nearly resembling as to be calculated to deceive, any currency note which is legal tender in the Territory or elsewhere, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars in respect of each document.

(3) Any person whose name appears on any document the making of which is an offence under this section who, when requested so to do by a police officer, refuses to disclose the name and address of the person by whom it was made, commits an offence and is liable on conviction to a fine not exceeding two hundred dollars.

(4) Where the name of any person appears on any document in respect of which any person is liable to be charged with an offence under this section, or on any other document used or distributed in connection with that document, it shall be *prima facie* evidence that that person caused the document to be made.

260. Where any forged bank note, currency note or any counterfeit coin or any machinery, implement, utensil or material used or intended to be used for the forging of a bank note or currency note or for counterfeiting any coin, is seized under a search warrant or by a police officer, the same shall be forfeited by order of the court before which the offender is tried, or, if there is no trial, by order of the court issuing the search warrant, or in the case of seizure by a police officer, otherwise than in exercise of powers conferred by a court, shall be disposed of in such manner as the Governor, or any person authorized by him in that behalf, may direct and shall be deemed forfeited.

PART XVI

PERSONATION

261. (1) Any person who, with intent to defraud any person, falsely represents himself to be some other person, living or dead and whether fictitious or not, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) If the representation under subsection (1) is that the person making the representation is a person entitled, by will or operation of law, to any specific property and is made in order to obtain such property or possession thereof, such person is liable on conviction to imprisonment for a term not exceeding seven years.

262. (1) Any person who utters any document which has been issued by any lawful authority to another person, and whereby that other person is certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege or to enjoy any rank or status, and falsely represents himself to be the person named in the document, commits an offence of the same kind and is liable on conviction to the same punishment as if he had forged the document.

(2) Any person who, being a person to whom any document has been issued by lawful authority whereby he is certified to be a person possessed of any qualification recognized by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status, sells, gives or lends the document to another person with intent that that other person may represent himself to be the person named therein, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

263. (1) Any person who, for the purpose of obtaining any employment for himself, utters any document of a testimonial character given to another person, falsely pretending that he is the person named in the document, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) Any person who, being a person to whom any document of a testimonial character has been given, gives, sells or lends such document to another person with the intent that that other person may utter the document for the purpose of obtaining employment for himself or for another, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

264. Any person who, without lawful authority or excuse, the proof of which lies upon him, makes in the name of any other etc. person, before any court or person authorized by law to take such acknowledgement, an acknowledgement of liability of any kind, or an acknowledgement of any deed or other instrument, commits an offence and is liable on conviction to imprisonment for a term not exceeding seven years.

PART XVII

CRIMINAL DAMAGE AND SIMILAR OFFENCES

265. (1) Any person who, without excuse, destroys or damages any property belonging to another intending to destroy or damage such property, or being reckless as to whether such property would be destroyed or damaged, commits an offence.

(2) A person commits an offence if he, without lawful excuse destroys or damages any property, whether belonging to himself or another,

(a) intending to destroy or damage any property, or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another, or being reckless as to whether the life of another would thereby be endangered.

(3) An offence committed under this section by destroying or damaging property by fire shall be charged as arson.

(4) A person convicted of arson under subsection (1) or of any offence under subsection (2) is liable to imprisonment for life, and a person convicted of any other offence under this section is liable to imprisonment for a term not exceeding ten years.

266. Any person who, without lawful excuse, makes to another a threat, intending that that other would fear that it would be carried out,

(a) to destroy or damage any property belonging to that other person or a third person, or

(b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other person or third person,

commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

267. Any person who has anything in his custody or under his control intending, without lawful excuse, to use it to cause or permit another to use it

(a) to destroy or damage any property belonging to some other person, or

(b) to destroy or damage any property, whether belonging to himself or another, in a way which he knows is likely to endanger the life of some other person,

commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

268. (1) This section applies to an offence under section 265, and any offence under section 266 and 267 other than one involving a threat by the person charged to destroy or damage property in a way which he knows is likely to endanger the life of another or involving an intent by the person charged to use or permit the use of something in his custody or under his control so to destroy or damage property.

(2) A person charged with an offence to which this section applies shall, whether or not he would be treated for the purpose of this Part as having a lawful excuse apart from this subsection, be treated for those purposes as having a lawful excuse,

(a) if at the time of the act alleged to constitute the offence he believed that the person whom he believed to be entitled to consent to the destruction of or damage to the property in question had so consented, or would have so consented to it if he had known of the destruction or damage and its circumstances; or

(b) if he destroyed or damaged or threatened to destroy or damage the property in question or, in the case of a charge of an offence under section 267, intended to use or cause or permit the use of something to destroy or damage it, in order to protect property belonging to himself or another or a right or interest in property which was, or which he believed to be, vested in himself or another, and at the time of the acts alleged to constitute the offence he believed

(i) that the property, right or interest was in immediate need of protection; and

(ii) that the means of protection adopted or proposed to be adopted were or would be reasonable having regard to all the circumstances.

(3) For the purposes of this section, it is immaterial whether a belief is justified or not if it is honestly held.

(4) For the purposes of subsection (2), a right or interest in property includes any right or privilege in or over land, whether created by grant, license or otherwise.

(5) This section shall not be construed as casting doubt on any defence recognized by law as a defence to a criminal charge.

269. (1) For the purpose of this Part,

(a) “property” means property of a tangible nature, whether real or personal, including money, growing crops, trees and other vegetable products, and wild creatures, which have been tamed or are ordinarily kept in captivity and any other wild creatures or their carcasses if they have been reduced into possession which has not been lost or abandoned, or are in the course of being reduced into possession;

(b) property shall, subject to paragraph (c), be treated as belonging to any person

i) having the custody of it;

- ii) having in it a proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest); or
 - iii) having a charge on it;
- (c) a tenant, under whatever form of tenure, may be convicted of an offence under this Part in respect of the property of his landlord notwithstanding that at the time of the offence the tenant had the custody of such property;
- (d) placing in or allowing any noxious substance to enter, any pond, river, well or watercourse shall be deemed to cause damage to the property of the owner or of any other person who has a right to use that pond, river, well or watercourse for any purpose.

(2) Where the property is subject to a trust, the person to whom it belongs shall be deemed to include any person having a right to enforce the trust.

(3) Property of a corporation sole shall be treated as belonging to the corporation notwithstanding a vacancy in the corporation.

270. On conviction of any person of an offence of destroying or damaging the property of another under section 265, the court may make a compensation order requiring him to pay compensation in respect of any injury, loss or damage arising from the offence.

271 (1) Without prejudice to the power to issue a search warrant under any law, if it is made to appear by information on oath before a Magistrate or a justice of the peace that there is reasonable cause to believe that any person has in his custody or under his control or on his premises anything which there is reasonable cause to believe is intended for use without lawful excuse

- (a) to destroy or damage property belonging to another, or
- (b) to destroy or damage any property in a way likely to endanger the life of another, the Magistrate or the justice of the peace, as the case may be, may grant a warrant authorizing any police officer to search for and seize that thing.

(2) A police officer who is authorized to search any premises under a warrant issued under this section may enter, if necessary by force, and search the premises accordingly and may seize anything which he believes to be intended to be used as mentioned in subsection (1).

272. (1) A person commits an offence and is liable on conviction to imprisonment for life, if he willfully and unlawfully

- (a) casts away or destroys any aircraft, vehicle or vessel, whether or not same is in a complete state; or
- (b) does any act which tends to the immediate loss or destruction of any aircraft, vehicle or vessel, whether or not he same is in a complete state.

(2) Any person who is convicted of an attempt to commit an offence under subsection (1) is liable to imprisonment for a term not exceeding fourteen years.

PART XVIII

CRIMINAL LIBEL

273. (1) Subject to the other provisions of this Part, any person who, by printing, effigy or by any other means in a permanent form and otherwise than solely any gestures, spoken words or sounds, unlawfully publishes any defamatory matter concerning another person with intent to defame that other person, commits the offence of libel and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) Notwithstanding subsection (1), for the purposes of this Part, the broadcasting of words by any means of wireless telegraphy shall be treated a publication in a permanent form.

(3) A prosecution for an offence under this section shall not be instituted except by, or with the consent of the Attorney General.

274. (1) Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation or to disturb the peace of the community.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed, and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly from one and partly the other.

275. A person publishes a libel if he causes the medium by which the defamatory matter is conveyed to be so dealt with or used that the defamatory meaning thereof becomes known or is likely to become known either to the person defamed or to any other person.

276. Any publication of defamatory matter concerning a person is unlawful within the meaning of this Part, unless

- (a) the matter is true and it was for the public benefit that it should be published; or
- (b) it is privileged on one of the grounds hereafter in this Part mentioned.

277. (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases:

- (a) if the matter is published by the Governor or by the Legislative Council in any official document or proceeding;

- (b) if the matter is published in the Legislative Council by the Governor or by any member of the Legislative Council;
- (c) if the matter is published by order of the Governor;
- (d) if the matter is published concerning a person subject for the time being to naval, military, air-force or police discipline, and relates to his conduct as a person subject to such discipline and is published by some person having authority over him in respect of such conduct, and to some person also having authority over him in respect of such conduct.
- (e) If the matter is published in the course of any judicial proceeding by a person taking part therein as a judge, magistrate, justice of the peace, commissioner, barrister-at-law, juror, assessor, arbitrator, referee, witness or party thereof;
- (f) If the matter published is in fact a fair report of anything said, done or published in the Legislative Council; or
- (g) If the person publishing the matter does so in pursuance of a duty imposed by law.

(2) For the purposes of this section, references to the Legislative Council shall be deemed to include any committee of the Legislative Council.

(3) Where a publication is absolutely privileged, it is immaterial for the purposes of this Part, whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith.

278. A publication of defamatory matter is privileged if it was published in good faith, if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it, and provided that the publication does not exceed either in extent or matter what is reasonably sufficient for the occasion, in any of the following cases:

- (a) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding done before any court, except that if the court prohibits the publication of anything said or shown before it, on the grounds that it is seditious, immoral or blasphemous, the publication thereof shall not be privileged;
- (b) if the matter published is a copy by reproduction, or in fact a fair abstract or summary, of any matter which has been previously published, and the previous publication of which was or would have been privileged under section 277;
- (c) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct;

- (d) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct;
- (e) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a legal proceeding held in public, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct;
- (f) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of a person so far as it appears therein;
- (g) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of which he has authority, by contract or otherwise, over the other person, or on the character of the other person so far as it appears in such conduct;
- (h) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority by law to inquire into or receive complaints respecting such conduct or matter or
- (i) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published or of some person in whom the person to whom it is published is interested.

279. A publication by any person of defamatory matter shall not be deemed to have been made in good faith, within the meaning of section 278, if it is made to appear

- (a) that the matter was untrue and that he did not believe it to be true;
- (b) that the matter was untrue and that he published it without taking reasonable care to ascertain whether it was true or false; or
- (c) that in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or the protection of the private right or interest in respect of which he claims to be privileged.

280. If it is proved, on behalf of an accused person, that any defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself or from the evidence given on behalf of the accused person or from evidence on behalf of the prosecution.

PART XIX

NUISANCES AND OTHER OFFENCES AGAINST THE PUBLIC IN GENERAL

281. Any person who does an act not authorized by law or who omits to discharge a legal duty and thereby causes a common injury or danger or annoyance, or who obstructs or causes inconvenience to the public in the exercise of common rights, commits the offence of being a common nuisance and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

282. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred, if he watches and besets

(a) any premises or the approaches to any premises with a view to preventing any person from doing any act which such person has a legal right to do there; or

(b) the house or other place where any person resides, works or carries on business, or happens to be, or the approaches to any such house or place, with a view to preventing such person from doing or compelling him to do any act which such person has a legal right to do or abstain from doing.

(2) No proceeding shall be brought in respect of an offence under this section without the consent of the Attorney General.

283. (1) Any person who sends or causes to be sent any chain letter, or who sends or receives any money or money's worth in connection with any chain letter, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

(2) For the purposes of this section, "chain letter" means a document addressed by one person to another suggesting to the person to whom it is addressed or requiring

(a) that he should send a document having the same purport to one or more other persons; and

(b) that he should remit to a person or to an address specified in the first mentioned document money or money's worth.

284. (1) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, if he,

(a) for the purposes of or by way of trade, or for the purpose of distribution or public exhibition, makes, produces or has in his possession any obscene writing, drawing, print, painting, printed matter, pictures, posters, emblems, photographs, films, discs or any other obscene objects tending to corrupt morals;

(b) for the purposes mentioned in paragraph (a) imports, conveys or exports, or causes to be imported, conveyed or exported, any such matter or thing, or in any manner puts any of the same into circulation;

(c) carries on or takes part in any business, whether public or private, concerned with any such matter or things as mentioned in paragraph (a), or deals in the same in any manner, or distributes them publicly or makes a business of lending them;

(d) advertises or makes known by any means with a view to assisting the circulation of or traffic in, any such matter or thing as mentioned in paragraph (a), that a person is engaged in any of the acts referred to in this section, or advertised or makes known how, or from whom, any such matter or thing can be procured either directly or indirectly; or

(e) publicly exhibits any indecent show or performance, or any show or performance tending to corrupt morals.

(2) On the application of the Commissioner of Police, a Magistrate may order the destruction of any obscene matter or thing to which this section relates and which has been seized by or otherwise come into possession of the police, whether or not any person has been convicted under the provisions of this section in respect of such obscene matter or thing.

285. (1) Any person who

(a) wanders abroad or (not being a blind or disabled person,) places himself in any public place for the purpose of begging, or who causes or procures any child so to do or, having the custody, charge or care of a child, allows the child to be in any street, premises or public place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise),

(b) being a common prostitute behaves in a disorderly or indecent manner in a public place,

(c) pretends to deal in obeah (as defined in section 290), myalism, duppy catching or witchcraft, or tells fortunes by palmistry or like superstitious means intending to deceive or impose people,

(d) publicly does an indecent act,

(e) in any public place conducts himself in a manner likely to cause a breach of the peace,

(f) solicits for immoral purposes in any public place,

(g) in any public place plays any game or pretended game of chance for money or money's worth,

(h) endeavours to obtain, or actually obtains, contributions for a charitable purpose unless authorized in writing so to do by the Commissioner of Police, in accordance with the Public Collections (Control) Ordinance or in pursuance of any instructions in that behalf given by the Governor in Council, or

(i) has no fixed abode and sleeps by night in open or public places, shall be deemed an idle and disorderly person and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) The provisions of subsection (1) (h) shall not apply to charitable appeals or collections made in any established place of religious worship or on behalf of a religious organization recognized by the Governor in Council for the purpose of this section.

286. (1) Any person who

(a) has in his custody or possession, without lawful excuse (the proof of which lies on him) any pick-lock, key, jimmy or crow-jack, bit or other implement of housebreaking, with intent to break into any house or other building,

(b) is armed with any firearm, cutlass, bludgeon or other offensive weapon or instrument, with intent to commit any criminal act,

(c) is found by night, without lawful excuse (the proof of which lies on him) in or upon any dwelling house, warehouse, garage, stable or other building, or in any enclosed garden, yard or area, or on board any vessel or aircraft,

(d) having previously been convicted of an offence under Part XIV (or of any similar offence involving dishonesty or larceny under any law in force before the coming into force of this Code), frequents any wharf, warehouse or place adjoining thereto, with intent to commit an offence, or

(e) upon being apprehended as an idle and disorderly person, violently resists any police officer arresting him,

shall be deemed to be a rogue and a vagabond, and commits an offence and is liable on conviction,

(i) for a first offence under this section, to imprisonment for a term not exceeding one year;

(ii) for every subsequent offence under this section, or for an offence under this section after having been previously convicted as a rogue and vagabond under any law in force immediately before the coming in force of this Code, to imprisonment for a term not exceeding two years.

And every weapon or instrument of house breaking in the possession of the offender at the time of the offence shall, upon the conviction, be forfeited to the Crown.

(2) In proceedings under this section, it shall not be necessary in proving the intent to commit an offence to show that the person accused was guilty of any act or acts tending to show his purpose or intent, and he may be convicted if from the circumstances of the case and his known character as proved to the court, it appears to the court that his intent was as alleged, and his known character, as proved, shall be relevant evidence in that behalf.

287. (1) Any person who, in any public place, conducts himself in a disorderly manner, or conducts himself in such a noisy manner as to disturb the neighbourhood, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) If any person, on any private premises, conducts himself, or allows any other person so to conduct himself thereon, as to repeatedly annoy or disturb the neighbourhood, any person disturbed or annoyed thereby may complain to a Magistrate who, if satisfied by evidence on oath that there are good grounds for such complaint, may cause the person so offending to be warned, and if, after such warning, such person, within three months, so conducts himself, or allows any other person so to conduct himself on the same premises as to annoy or disturb the neighbourhood, he commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(3) Any person who behaves profanely, indecently or in a disorderly manner during the performance of any religious worship or ceremony, or who smokes in any building appropriated for religious worship while any service or ceremony is taking place therein, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

(4) Any person who willfully disturbs, interrupts or disquiets any body of persons, assembled for any lawful purpose, by profane discourse, rude or indecent behavior, or by making a noise, either within the place of such assemble or so near thereto as to disturb the same, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(5) Any person who at a lawful public meeting acts in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called or who incites any other person so to act, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

288. (1) Any person found drunk in any public place or upon any premises licensed for the sale of alcohol, commits an offence and is liable on conviction

(a) upon a first conviction for such an offence, to a fine not exceeding fifty dollars;

(b) upon a second or subsequent conviction for such an offence, to a fine not exceeding one hundred dollars;

(c) upon any subsequent conviction within a period of twelve months from the date of a second or subsequent conviction for such an offence, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars, or both.

(2) Any person found drunk in any public place when

(a) in charge of any vehicle or animal, or

(b) in possession of any firearm,

commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

289. (1) Any person who uses any abusive, blasphemous, indecent, insulting, profane or threatening language

(a) in any public place,

(b) in any place to the annoyance of the public, or

(c) in any circumstances likely to cause a breach of the peace,

commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) Any person who in any public place or at any meeting open to members of the public, whether on payment or otherwise, makes any statement about any person which he knows to be false, or which statement is calculated or likely to bring such person into ridicule, odium, or contempt, or to undermine confidence in such person or in the conduct of public affairs by any person in any official position, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(3) For the purposes of subsection (2), “person in an official position” includes the Governor, any member of the Executive or Legislative Council, and any judge, magistrate, justice of the peace or member of any Commission of Inquiry issued under the Commissions of Inquiry Act.

(4) Any person who

(a) in any public place or at any meeting open to members of the public, whether on payment or otherwise, makes any statement which he knows to be false, makes such statement recklessly without regard to its truth or otherwise, or

(b) prints or distributes such a statement, which is of such a nature as to be likely to cause fear of alarm or to disturb the public peace or undermine the public confidence in the conduct of public affairs, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

(5) A prosecution for an offence under this section shall not be brought except by, or with the consent of, the Attorney General.

290. (1) For the purpose of this section and of section 285 (1) (c),

(a) a person practicing or dealing in obeah or myalism means a person who, to effect any fraudulent or unlawful purposes or for gain, or for the purpose of frightening any person, uses or pretends to use any occult means, or pretends to possess any supernatural power or knowledge; and

(b) “instrument” of obeah or myalism” means anything commonly used in or associated with the practice of obeah or myalism.

(2) A person commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both, if he

(a) practices or deals in obeah or myalism;

(b) for any fraudulent or unlawful purpose, consults any person practicing or reputed to be practicing, or who has been convicted of any offence under any law relating to, obeah or myalism; or

(c) for the purpose of effecting any purpose or bringing about any event by the use of occult means or any supernatural power or knowledge, consults any person practicing or reputed to be practicing obeah or myalism, or any person who has been convicted of any offence under any law relating to obeah or myalism and agrees to reward the person so consulted.

(3) Any person who has in his possession any instrument of obeah or myalism or who has under his control any premises upon which any such instrument is found shall, unless the contrary is proved, be deemed to be practicing obeah or myalism at the date when such instrument is found.

(4) Any person who composes, prints, sells or distributes any pamphlet or other printed or written matter calculated to promote the superstition of obeah or myalism, commits an offence and is liable on conviction to the same punishment as a person convicted of practicing obeah or myalism.

(5) Any court before which a person is convicted of an offence under this section may, in addition to any fine or sentence of imprisonment imposed, order that the person so convicted shall be subject to police supervision for a period not exceeding two years from the date of imposition of such fine or the expiration of any term of imprisonment, whichever is the later date, and thereupon such person shall be subject to the provisions of the Prevention of Crimes Act

291. Any person who unlawfully or negligently does any act which he knows or has reason to believe to be likely to cause the spread of any infectious or contagious disease, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

292. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or both, if he

(a) intentionally or negligently corrupts or fouls the water of any spring, stream, well or reservoir so as to render it less fit for the use of mankind or any livestock;

(b) intentionally or negligently vitiates the atmosphere in any place so as to render it noxious to the health or comfort of person in the neighbourhood;

(c) for any purpose makes loud noises or offensive smells in such place and circumstances as to interfere with the comfort of persons in the exercise of their common rights; or

(d) deposits offal or refuse in the sea within five hundred yards of the shore.

293. A person commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or both, if he

(a) adulterates any article of food or drink so as to make such article noxious as food or drink, intending to sell or offer or sale the same as food or drink, or knowing that it is likely that it will be offered for sale as such;

(b) sells or offers for sale as food or drink any article which has been rendered or has become noxious or in a state unfit for use as food or drink, knowing or having reason to believe that the same is unfit for such use;

(c) adulterates any drug or medical preparation in such manner as to lessen the efficacy or to change the operation of such drug or preparation, or to make it noxious, intending that it shall be or is likely to be sold or offered for sale for any medical purpose as if it had not been so adulterated or rendered noxious; or

(d) knowing that any drug or medical preparation has been adulterated or rendered noxious, as mentioned in paragraph (c), sells the same or offers it for sale or issues it from any dispensary for medicinal purposes as if it had not been so adulterated or rendered noxious, or causes it to be so issued by any person.

294. (1) Any person who, without lawful excuse or authority, wears any uniform of the armed or police force of any Commonwealth country, or any clothing having the appearance or intended to have the appearance of such uniform, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

(2) It shall not be an offence under this section for a person taking part in a bona fide theatrical or similar entertainment to wear a costume resembling a military uniform, when required for the purpose of representing a particular character, but in such case the badges shall not be identical with those of any armed or police force of any Commonwealth country.

295. (1) Any person who in any place, negligently or recklessly, carries or uses any fire, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) Any person who, by the careless or improper use of fire within any town or village, endangers any lives or property therein, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

296. (1) Any person who, in or in the vicinity of any public place, unlawfully throws or discharges any missile or dangerous object to the damage or danger of any property or person, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) For the purpose of subsection (1), it is immaterial whether or not any person was actually injured or any property damaged, if in the circumstances of the case a reasonable person would have anticipated that such injury or damage might have occurred.

297. Any person who, without the consent of the owner or occupier,

(a) posts any advertisement, bill, placard or other paper against or upon, or

(b) writes upon, soils, marks or defaces,

any building, wall, fence, lamp post or other similar object, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

298. Any person who takes or attempts to take any vessel from or out of any mooring, wharf, boat-house, berth, beach, landing-stage or other place for the purpose of using same without the consent of the owner or other person having charge thereof, and without any reasonable claim of right or title thereto, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

299. Any person in charge of any animals (other than cats or dogs) in any public place who willfully remains at such a distance from them as not to have proper control over them, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty dollars.

300. (1) Subject to subsection (2), any person who, in any public place or within one hundred yards thereof, discharges any firearm or lets off any fireworks, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) A person shall not be convicted of an offence under subsection (1) by reason only that he fires a starting pistol or similar weapon in the ordinary course of the conduct of a sporting or athletic event, or that he lets off a firework in the ordinary course of some festival or celebration at which the use of fireworks has been permitted under the Fireworks Act.

301. (1) Any person who knowingly permits, or is concerned in, the use of any building or place for the purpose of gambling, betting or the holding of a lottery or sweepstake, commits an offence and is liable on conviction to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand dollars, or both.

(2) A Magistrate or justice of the peace, on being satisfied by evidence on oath that there is good reason to believe that any house or place is kept or used for a purpose contrary to subsection (1) may, by warrant, authorize any police officer, with such assistance and by such force as may be necessary, by day or night to enter such house or place and to search the same and any persons found therein, and to seize all instruments and appliances of gambling, betting, or required for the holding of a lottery or sweepstake, and all money, securities for money and other articles reasonably supposed to have been used or intended to be used for any such purpose, and also to detain any persons there found until the completion of the search of such house or place.

(3) Where any instrument or appliances are found in the house or place searched, every person found therein at the time may be detained in custody until he can be brought before the court, or is granted bail by the police officer in charge of such search, for his appearance before the court.

(4) If, owing to the lateness of the hour or other sufficient cause, a search warrant cannot be obtained with sufficient speed, a police officer in uniform, not below the rank of sergeant, may exercise the powers referred to in subsection (3) without a search warrant.

(5) If any instruments or appliances for gambling, betting or the holding of a lottery or sweepstake are found in any house or place or on any person searched in pursuance of the powers conferred by this section, the fact of such finding shall be deemed to be evidence, until the contrary is made to appear, that such house or place was being used for gambling, betting or the holding of a lottery or sweepstake and that the persons found therein or escaping therefrom were gambling, betting or taking part in a lottery or sweepstake therein, although no such activity was actually seen by any police officer or other person assisting him at the time of entering or searching such house or place.

(6) Any person who is found in the house or place as is mentioned in subsection (5) commits an offence and shall, unless he satisfies the court to the contrary, be deemed to have been taking part in gambling or betting, or in a lottery or sweepstake and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

(7) Any person playing or betting in any public place at or with any table or instrument of gambling at any game, or pretended game of chance, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(8) Nothing in this section shall apply to any lottery, sweepstake, pari mutuel or pool betting organized and controlled by an approved social and charitable organization or turf club or in connection with any race meeting held by or under the auspices of such club and, for the purposes of this subsection, "approved" means approved by the Governor in Council.

302. Any person who, being wholly or in part able to maintain his or her children, and if a male, his wife (if any) by work or other lawful means, refuses or neglects to do so, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) Proceedings in respect of an offence under subsection (1) shall be without prejudice to any other legal remedy available to any person to enforce the payment of maintenance for, or to recover the cost of any necessaries supplied to, the wife (if any) and family of the offender.

303. Any person who unlawfully and maliciously depastures any animal on any land, public place or thoroughfare, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

304. Any person who willfully obstructs any police officer in the execution of his duties, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

305. (1) Any person who, in any public place, when lawfully called upon by a police officer to assist such officer in apprehending or securing any person whom such officer is endeavouring to apprehend or secure, without reasonable excuse refuses so to do, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) Any person who, when lawfully required so to do by a judicial officer or police officer, refuses to give his name and address or gives a false name and address, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

306. (1) Any person who takes or drives or attempts to take or drive any animal from or out of any enclosure, stable, pasture or other place for the purpose of using the animal without the consent of the owner or other person entrusted with the charge thereof, and without having any probable claim or entitle thereto, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty dollars.

(2) Proceedings in respect of an offence under subsection (1) shall be without prejudice to any other legal remedy available to the party aggrieved for the recovery of any such animal and for damages in respect of the taking or using thereof by the offender or for any injury caused to the animal.

307. (1) Any person who behaves in an indecent manner in a public place, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

(2) Any person who writes or draws any indecent word, figure or representation in any public place, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty dollars.

(3) Any person who willfully

(a) exposes in any public place or in any premises visible or accessible to the public from any public place any obscene print, picture, photograph or indecent exhibition, or

(b) exposes his person in any public place or in view thereof,

commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

308. Any person who is charged with having his possession in any place, or conveying in any manner, anything which is reasonably suspected of being stolen or unlawfully obtained and who does not give an account to the satisfaction of the court as to how he came by that thing, commits

an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

309. Any person who, unlawfully and with force, hinders or prevents any person from working at or exercising his lawful trade, business or occupation, or who uses any threat of violence to any such person with intent to hinder him from working at or exercising such trade, business or occupation, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars.

310. (1) Where the facts alleged to constitute an offence charged under this Part appear to the Magistrate also to constitute another offence, not triable summarily, under some other Part or under some other law, the Magistrate, in his discretion, may stay the proceedings brought in respect of such offence under this Part and hold a preliminary inquiry with a view to committing the accused person for trial before the High Court for that other offence.

(2) Where the person committed for trial under subsection (1) is convicted before the High Court of that other offence, no further proceedings shall be taken on the same facts for an offence under this Part.

PART XX

CONSPIRACY, ATTEMPT AND ASSISTING OFFENDERS

311. (1) Subject to the provisions of this Part, a person who agrees with any other person that a course of conduct should be pursued which will necessarily amount to or involve the commission of an offence by one or more of the parties to the agreement if the agreement is carried out in accordance with their intention, is guilty of conspiracy to commit the offence in question.

(2) Where liability for an offence may be incurred without knowledge on the part of the person committing it of any particular fact or circumstance necessary for the commission of the offence, a person shall not be convicted of conspiracy to commit that offence by virtue of subsection (1), unless he and at least one other party to the agreement intend, or know, that the fact or circumstance shall or will exist at the time when the conduct constituting the offence is to take place.

(3) Where in pursuance of an agreement the acts in question in relation to an offence are to be done in contemplation or furtherance of a trade dispute, that offence shall be disregarded for the purposes of subsection (1), provided that it is an offence which is not punishable with imprisonment except in default of payment of a fine.

(4) For the purposes of this Part,

“offence” means an offence triable in the Territory, and it includes murder notwithstanding that the murder in question would not be so triable if committed in accordance with the intention of the parties; and

“trade dispute” means any dispute or differences between employers and workmen, or between workmen alone, connected with the employment or non-employment or the terms of employment, or the conditions of labour, of any person.

312. Any person who is convicted of conspiracy to commit an offence is, unless any other punishment is provided in this Code or any other law, liable to be punished for a term not exceeding the maximum penalty prescribed for that offence.

313. Any person who conspires with any other person to engage in conduct which tends to corrupt public morals or outrage public decency but would not amount to, or involve the commission of an offence if carried out by a single person otherwise than in pursuance of an agreement, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars.

314. A person shall not, by virtue of section 311, be convicted of conspiracy to commit an offence, if

(a) he is the sole intended victim of the offence; or

(b) the only person with whom he agrees is (both initially and at all times during the currency of the agreement) a person of any one or more of the following descriptions:

(i) his spouse;

(ii) a person under the age of ten years;

(iii) the sole intended victim of that offence.

315. (1) The rules laid down by section 311 and 314 shall apply for determining whether a person is guilty of an offence of conspiracy under any provisions of any enactment other than section 313.

(2) Incitement and attempt to commit the offence of conspiracy (whether the conspiracy incited or attempted would be an offence at common law or under section 311 or any other enactment) shall, on the coming into force of this Code, cease to be offences.

(3) The fact that the person who, so far as appears from the charge on which any person has been convicted of conspiracy, was the only other party to the agreement on which his conviction was based, has been acquitted of conspiracy by reference to that agreement (whether after being tried with the person convicted or separately) shall not be a ground for quashing his conviction, unless in all the circumstances of the case his conviction is inconsistent with the acquittal of the other person in question.

(4) Any rule of law or practice that is inconsistent with subsection (3) is abolished.

316. (1) Where a person, intending to commit an offence, begins to put his intention into execution by an act which goes so far towards the commission of the offence as to be more than

merely a preparatory act, but does not fulfill his intention to such an extent as to commit the offence, he is deemed to attempt to commit the offence.

(2) It is immaterial except in so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfillment of his intention is prevented by circumstances independent of his will, or whether he desists on his own motion from the further prosecution of his intention.

317. (1) Any person who attempts to commit an offence, commits an offence and is, unless any other punishment is provided in this Code or any other law, liable on conviction,

(a) if the completed offence is punishable by imprisonment for life, or for ten years or more, to imprisonment for a term not exceeding seven years;

(b) if any other case, to the same penalty as may be imposed for the completed offence itself.

(2) A person charged with an attempt to commit an offence shall be charged under the section, whether of this Code or any other law, creating the offence under which he would be charged if the charge was of the complete offence.

(3) A provision in any law, including this Code, as to the consequences which may or shall follow conviction for any offence or as to the procedure or any other matter applicable where a person is convicted of an offence, shall apply equally where a person is charged or convicted of an attempt to commit the offence.

318. (1) Subject to subsection (2) and (3), where a person has committed an arrestable offence (as defined in section 320), any other person who, knowing or believing him to be guilty of that offence or of some other arrestable offence does, without lawful authority or reasonable excuse, an act to impede his apprehension or prosecution, commits an offence and is said to be an accessory after the fact.

(2) A wife does not become an accessory after the fact to an offence which her husband has committed by receiving in her husband's presence and by his authority another person who has committed an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment or avoid apprehension.

(3) a husband does not become an accessory after the fact to an offence which his wife has committed by receiving he or assisting he in order to enable her to escape punishment or avoid apprehension.

(4) If on the trial of an indictment for an arrestable offence the jury are satisfied that the offence charged (or some other offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) of which they are satisfied that he is guilty in relation to the offence charged (or that other offence).

(5) A person who is convicted of being an accessory after the fact is liable to imprisonment according to the gravity of the offence to which he was accessory, as follows:

(a) if the offence is one of which the sentence is fixed by law, he is liable to imprisonment for a term not exceeding ten years;

(b) if the offence is one for which a person (not previously convicted) may be sentenced to imprisonment for fourteen years or more, he is liable to imprisonment for a term not exceeding seven years;

(c) if the offence is not included in paragraph (a) or)b) but is one for which a person (not previously convicted) may be sentenced to imprisonment for ten years, he is liable to imprisonment for a term not exceeding five years;

(d) in any other case, he is liable to imprisonment for a term not exceeding three years.

319. Where a person has committed an arrestable offence (as defined in section 320), any other person who, knowing or believing that the offence or some other arrestable offence has been committed, and that he has information which might be material assistance in securing the prosecution or conviction of the offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of a reasonable compensation for that loss or injury, commits an offence and is liable on conviction to imprisonment for a term not exceeding two years.

PART XXI

MISCELLANEOUS

320. (1) The powers of summary arrest conferred by this section shall apply to offences for which the sentence is fixed by law or for which a person (not previously convicted) may under or by virtue for a term of five years or longer, and to attempts to commit any such offence, and in this Code and in any other law “arrestable offence” means any such offence or attempt.

(2) Any person may arrest, without a warrant, anyone who is, or whom he, with reasonable cause suspects to be, in the act of committing an arrestable offence.

(3) Where an arrestable offence has been committed, any person may arrest, without a warrant anyone who is, or whom he, with reasonable cause suspects to be, guilty of the offence.

(4) Where a police officer, wit reasonable cause, suspects that an arrestable offence has been committed, he may arrest without warrant anyone whom he, with reasonable cause, suspects to be guilty of that offence.

(5) A police officer may arrest, without warrant, any person who is, or whom he, with reasonable cause, suspects to be, about to commit an arrestable offence.

(6) For the purpose of arresting a person under any power conferred by this section, a police officer may enter, if need by force, and search any place where that person is or where the police officer, with reasonable cause, suspects him to be.

(7) This section shall not affect the operation of any enactment restricting the institution of proceedings for an offence, nor prejudice any power of arrest conferred by law apart from this section.

321. (1) For the avoidance of doubt, where an offence is triable either summarily or on indictment and is punishable by imprisonment for five years or longer, if tried on indictment, it shall be deemed to be an arrestable offence notwithstanding that it would be punishable by a lesser term if tried summarily.

(2) Arrestable offences under this Code are shown as such in the fourth column of the Table of offences and penalties in Schedule 1.

322. Any person who causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any person or property, or tending to show that he has information material to any police inquiry, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars, or both.

323. Where in this Code or any other law it is provided that no prosecution shall be commenced except by or with the consent of the Attorney General, such provision shall not be deemed to prevent the arrest, or the issue of a warrant for the arrest, of a person for such an offence, or the remand in custody or on bail of a person charged with such offence pending the decision of the Attorney General in the matter.

324. The Table of offences and penalties contained in Schedule 1 sets out for convenience of reference to the offences and penalties therefore contained in this Code but shall not be construed to add to or derogate from the provisions in this Code in relation to each such offence.

325. Without prejudice to the provisions of the Criminal Procedure Act or to any other provisions of this Code, where a person is charged with an offence mentioned in the first column of the Table set out in Schedule 2, if the court finds that he is guilty of the offence charged but that, on the evidence before the court, he is guilty of another offence under a section of this Code referred to in the third column of the Table, he may be convicted of that other offence although he was not charged with it.

326. (1) Where any act or omission constitutes an offence under this Code and also under common law, proceedings in respect of that offence shall be brought under the relevant provision of this Code and not under common law, and the common law offence in any such case shall in respect of its application to the Territory, be deemed to have been abolished.

(2) Where any act or omission constitutes an offence under this Code and also under some other enactment, proceedings in respect of that offence shall not be brought under that other enactment except by, or with the consent of, the Attorney General.

327. (1) All distinctions between felony and misdemeanor are hereby abolished.

(2) Subject to the provisions of this Code and of the Criminal Procedure Act, on all matters on which a distinction has previously been made between felony and misdemeanor the law and

practice in relation thereto shall be the same as the law and practice applicable in relation to misdemeanors immediately before the coming into force of this Code.

328. (1) The following offences under common law are abolished:

(a) any distinct offence, under the common law, of maintenance (including champerty and embracery);

(b) challenging to fight;

(c) eavesdropping;

(d) being a common barrater, a common scold or a common night walker.

(2) For the avoidance of doubt, it is hereby declared that to the extent (if any) that the following Acts of the Parliament of England apply in the Territory, namely

(a) The Champerty Act (28 Edw. I.c.11),

(b) The Maintenance and Embracery Act 1540 (32 Hen. VIII c.9),

They are hereby repealed in relation to the Territory.

329. (1) The enactments specified in Part I of Schedule 3 are hereby repealed.

(2) The enactments specified in the Schedule 3 first column of Part II of Schedule 3 are hereby amended in the manner indicated in the second column of that Schedule.

(3) The amendments specified in Part III of Schedule 3 shall apply generally to any enactment to which they are relevant.

330. (1) For the avoidance of doubt, it is hereby declared that any proceedings pending in respect of an offence committed before the coming into force of this Code under any enactment hereby repealed or amended may be continued, and any penalty or punishment imposed, in accordance with the provisions of section 29 (1) (d) and (e) of the Interpretation Act.

(2) Where it is not certain whether an offence was committed before or after the coming into force of this Code, the offence shall be charged under this Code, and if it subsequently appears that the offence was committed before the coming into force of this Code that fact shall not prevent or invalidate a conviction, unless the facts as found do not constitute an offence other than under this Code.

SCHEDULE 1

(Sections 321 and 324)

TABLE OF OFFENCES AND PENALTIES

In this Table,

“A” means offender may be arrested by a police officer without a warrant;

“S” means triable summarily, subject to the provisions of the Magistrate’s Code of Procedure Act and the Criminal Procedure Act.

Nothing in the description of an offence in the second column of this Table shall be construed as adding to or derogating from the provisions contained in the relevant section of this Code.

CRIMINAL CODE SECTION	NATURE OF OFFENCE	MAX. PUNISHMENT	ARREST WITHOUT A WARRANT	TRIALE SUMMARILY
36	TREASON	LIFE	A	
37	CONCEALMENT OF TREASON	LIFE	A	
38	TREASON FELONY	LIFE	A	
41	INCITEMENT TO MUTINY	LIFE	A	
42	AIDING, ETC. ACTS OF MUTINY	5 YEARS	A	
43	INDUCING POLICE OFFICER, ETC. TO DESERT	6 MONTHS		S
44	PIRACY <i>JURE GENTIUM</i>	LIFE	A	
4	PIRACY IN OTHER CASES	AS IN ENGLISH LAW	A	
48 (1)	SEDITIONOUS OFFENCES	3 YEARS/ (\$3000)		S

48 (2)	POSSESSION OF SEDITIONOUS PUBLICATIONS	2 YEARS/(\$2000)		S
50(1)	IMPORTATION, ETC. OF PROHIBITED PUBLICATION	3 YEARS/(\$3000)		S
50(2)	POSSESSION OF PROHIBITED PUBLICATION	2 YEARS/(\$2000)		S
51	FAILURE TO SURRENDER PROHIBITED PUBLICATION RECEIVED INNOCENTLY	2 YEARS/(\$2000)		S
55	UNLAWFUL OATH TO COMMIT OFFENCES	LIFE	A	
56	OTHER UNLAWFUL OATHS TO COMMIT OFFENCES	10 YEARS	A	
58(1)	UNLAWFUL DRILLING	7 YEARS	A	
58(2)	PARTICIPATING IN UNLAWFUL DRILING	2 YEARS/(\$2000)		S
59	PUBLISHING FALSE NEWS LIKELY TO CAUSE ALARM, ETC.	1 YEAR/(\$1000)		S
60	DEFAMATION OF FOREIGH POTENTATES	2 YEARS/(\$2000)		S
61	FOREIGN ENLISTMENT	2 YEARS/(\$2000)		S
62	UNLAWFUL ASSEMBLE	1 YEAR		S
63	RIOT	5 YEARS/(\$5000)	A	
64	RIOTING AFTER PROCLAMATION	10 YEARS	A	
65(1)	FORCIBLY PREVENTING	10 YEARS	A	

	PROCLAMATION			
65(2)	RIOTING AFTER PREVENTING PROCLAMATION	5 YEARS	A	
66	RIOTERS DAMAGING PROPERTY	14 YEARS	A	
67	RIOTERS OBSTRUCTING, ETC. AIRCRAFT OR SHIPS	2 YEARS (\$2000)		S
69	IMPORTATION, ETC. OF PROHIBITED WEAPON	10 YEARS/(\$10,000)	A	
70	CARRYING OFFENSIVE WEAPON	2 YEARS/(\$2000)		S
71	REFUSAL TO ACCOMPANY POLICE OFFICER TO BE SEARCHED	\$100		S
72	FORCIBLE ENTRY	2 YEARS/(\$3000)		S
73	FORCIBLE DETAINER	2 YEARS/(\$2000)		S
74 (1)	EMTERING PROPERTY TO INTIMIDATE, ETC. PERSON IN POSSESSION	1 YEAR/(\$1000)		S
74 (2)	EMTERING PROPERTY WHICH IS A VESSEL, ETC. TO COMMIT OFFENCE	2 YEARS/(\$2000)		S
75	CHALLENGING TO FIGHT	2 YEARS/(\$2000)		S
76	AFFRAY	1 YEAR/(\$1000)		S
77(1)	THREATENING VIOLENCE	1 YEAR		S
77(2)	THREATENING VIOLENCE AT NIGHT	2 YEARS		S
78	ASSEMBLING FOR PURPOSE OF	2 YEARS/(\$2000)		S

	SMUGGLING			
79	OFFICIAL CORRUPTION	3 YEARS		S
80	EXTORTION BY PUBLIC OFFICER	3 YEARS		S
81	PUBLIC OFFICER RECEIVING PROPERTY TO SHOW FAVOUR	6 MONTHS		S
82	PUBLIC OFFICER EXERCISING POWERS IN RESPECT OF MATTER IN WHICH HE HAS PRIVAT INTEREST	1 YEAR		S
83	FALSE CLAIMS BY OFFICIALS	2 YEARS		S
84(1)	ABUSE OF POWERS OF PUBLIC OFFICER	2 YEARS		S
84(2)	ABUSE OF POWERS OF PUBLIC OFFICER FOR PRIVAT GAIN	2 YEARS		S
85	FALSE CERTIFICATE	2 YEARS		S
86	UNAUTHORISED ADMINISTRATION OF OATHS	1 YEAR		S
87	FALSE ASSUMPTION OF AUTHORITY	2 YEARS		S
88	PERSONATION OF PUBLIC OFFICER	3 YEARS		S
89	THREATS TO PUBLIC OFFICER	2 YEARS		S
90	DECEIVING WITNESS	2 YEARS		S
91	DESTROYING EVIDENCE	2 YEARS		S
92	FALSE SWEARING	5 YEARS	A	
93	CONSPIRACY TO	2 YEARS		S

	DEFEAT COURSE OF JUSTICE			
94(1)	OFFENCES RELATING TO JUDICIAL PROCEEDINGS	2 YEARS		S
94(2)	SUMMARY PUNISHMENT FOR OFFENCES COMMITTED IN VIEW OF COURT	1 MONTH/(\$200)		S
95	PERJURY	7 YEARS	A	
96	SUBORNATION OF PERJURY	7 YEARS	A	
97	FABRICATION OF EVIDENCE	7 YEARS	A	
98	CONTRADICTORY STATEMENTS BY WITNESS	1 YEAR		S
101	COMPOUNDING OFFENCES	2 YEARS		S
102	OFFERING REWARD FOR RETURN OF STOLEN PROPERTY	1 YEAR/(\$1000)		S
103	RESCUE FROM LAWFUL CUSTODY			
	(a) WHERE PRISONER UNDER SENTENCE OF LIFE IMPRISONMENT	LIFE	A	
	(b) IN CASE OF OTHER PRISONER	7 YEARS	A	
	(c) IN CASE OF OTHER RESCUE	2 YEARS		S
104	ESCAPE FROM LAWFUL CUSTODY	2 YEARS		S
105	PERMITTING PRISONER TO ESCAPE	2 YEARS		S
106(1)	AIDING PRISONER TO ESCAPE	7 YEARS	A	

106(2)	HARBOURING OR ASSISTING ANOTHER TO HARBOUR PRISONER	14 YEARS	A	
107	REMOVING PROPERTY LAWFULLY SEIZED	3 YEARS		S
108	OBSTRUCTING COURT OFFICERS	2 YEARS		S
109	FRAUDS AND BREACH OF TRUST BY PUBLIC OFFICER	3 YEARS		S
110	GIVING FALSE INFORMATION TO PUBLIC OFFICER	3 YEARS/(\$3000)		S
111	INSULTING RELIGION	2 YEARS/(\$2000)		S
112	DISTURBING RELIGIOUS ASSEMBLY	2 YEARS/(\$2000)		S
113	WRITING, ETC. WITH INTENT TO WOUND RELIGIOUS FEELING	1 YEAR/(\$1000)		S
114	HINDERING BURIAL, ETC.	2 YEARS/(\$2000)		S
115(1)	TRESPASSING ON BURIAL PLACE, ETC. WITH INTENT TO WOUND FEELINGS OR INSULT, ETC.	2 YEARS/(\$2000)		S
115(2)	REMOVING, ETC. FLOWERS, ETC. ON OR NEAR GRAVE	2 YEARS/(\$2000)		S
117(1)	RAPE	LIFE	A	
117(2)	ATTEMPTED RAPE	7 YEARS	A	
118(1)	SEXUAL INTERCOURSE WITH GIRL UNDER 13 YEARS	14 YEARS	A	

118(2)	ATTEMPT TO COMMIT OFFENCE UNDER (1)	7 YEARS	A	
119	UNLAWFUL SEXUAL INTERCOURSE WITH GIRL UNDER 16 YEARS	7 YEARS	A	
120	INTERCOURSE WITH DEFECTIVE	7 YEARS	A	
121	SEXUAL ASSAULT BY HUSBAND	10 YEARS	A	
122(1)	INCEST BY MAN	10 YEARS	A	
122(4)	ATTEMPT TO COMMIT INCEST	5 YEARS	A	
123(1)	INCEST BY WOMAN	10 YEARS	A	
123(3)	ATTEMPT TO COMMIT INCEST	5 YEARS	A	
124	INDECENT ASSAULT ON WOMAN			
	(a) UNDER 13 YEARS	5 YEARS	A	
	(b) IN ANY OTHER CASE	3 YEARS		S
125	INDECENCY WITH CHILD	3 YEARS/(\$3000)		S
126	PERMITTING USE OF PREMISES FOR SEXUAL INTERCOURSE BY GIRL	LIFE	A	
127	CAUSING PROSTITUTION, ETC. OF GIRL UNDER 16 YEARS	5 YEARS	A	
128	CAUSING PROSTITUTION OF WOMAN	3 YEARS		S
129	PROCURING WOMAN	3 YEARS		S

	BY THREATS			
130	PROCURING WOMAN BY FALSE PRETENCES	3 YEARS		S
131	ADMINISTERING DRUG TO FACILITATE INTERCOURSE	7 YEARS	A	
132	DETENTION OF WOMAN IN BROTHEL	5 YEARS	A	
133	MAN LIVING ON EARNINGS OF PROSTITUTION	10 YEARS/(\$10,000)	A	
134	WOMAN EXERCISING CONTROL OVER PROSTITUTE	10 YEARS/(\$10,000)	A	
135	LIVING ON EARNINGS OF MALE PROSTITUTION	3 YEARS/(\$3000)		S
136	KEEPING A BROTHEL	2 YEARS/(\$2000)		S
137	LETTING PREMISES FOR USE AS BROTHEL,			
	(a) ON FIRST CONVICTION FOR THIS OFFENCE	2 YEARS/(\$2000)		S
	(b) ON SECOND OR SUBSEQUENT CONVICTION OFR THIS OFFENCE	3 YEARS (\$3000)		S
138	INDECENT ASSAULT ON MAN	3 YEARS		S
139	USE OF POISON TO CAUSE MISCARRIAGE	14 YEARS	A	
140	SUPPLYING OR PROCURING MEANS TO CAUSE MISCARRIAGE	5 YEARS	A	
141	CHILD DESTRUCTION	LIFE	A	

142	BIGAMY	7 YEARS	A	
143	FRAUDULENT PRETENCE OF MARRIAGE	7 YEARS	A	
144	FRAUDULENT TAKING PART IN MARRIAGE CEREMONY	5 YEARS	A	
145	PERSONATION IN MARRIAGE CEREMONY	7 YEARS	A	
147	GENOCIDE			
	(a) IF KILLING INVOLVED	LIFE	A	
	(b) IN ANY OTHER CASE	14 YEARS	A	
150	MURDER	LIFE	A	
152	ATTEMPTED MURDER	LIFE	A	
153	MANSLAUGHTER	LIFE	A	
154	INFANTICIDE	LIFE	A	
155	THREATS TO MURDER	10 YEARS	A	
156	CONSPIRACY TO MURDER	14 YEARS	A	
157	ABETMENT OF SUICIDE	14 YEARS	A	
158	SUICIDE PACTS	AS FOR MANSLAUGHTER	A	
161	CONCEALING BIRTH OF CHILD	2 YEARS		S
163	INFLECTING GRIEVOUS BODILY HARM	LIFE	A	

164	INFLECTING BODILY HARM, WITH OR WITHOUT WEAPON	5 YEARS	A	
165	WOUNDING	2 YEARS		S
166	ATTEMPTING TO CHOKE, ETC. TO COMMIT OFFENCE	LIFE	A	
167	USING ANESTHETIC, ETC. TO COMMIT OFFENCE	LIFE	A	
168	ADMINISTERING POISON SO AS TO ENDANGER LIFE OR INFLICT FRIEVOUS BODILY HARM	10 YEARS	A	
169	ADMINISTERING POISON WITH INTENT TO INJURE, ETC.	5 YEARS	A	
170	IMPEDING ESCAPE FROM SHIPWRECK	LIFE	A	
171	CAUSING BODILY HARM BY CORROSIVE SUBSTANCE OR EXPLOSIVE	LIFE	A	
172	USING EXPLOSIVE OR CORROSIVE SUBSTANCE WITH INTENT TO DO BODILY HARM	LIFE	A	
173	PLACING EXPLOSIVE NEAR BUILDING, ETC. WITH INTENT TO CAUSE BODILY HARM	LIFE	A	
174	CASUING EXPLOSION LIKELY TO ENDANGER LIFE OR PROPETY	14 YEARS	A	
175	SETTING TRAPS, ETC. WITH INTENT TO INFLICT GRIEVOUS	5 YEARS	A	

	BODILY HARM			
176	UNLAWFUL USE OF FIREARMS	5 YEARS	A	
178	RECKLESS AND NEGLIGENT ACTS	2 YEARS		S
179	OTHER NEGLIGENT ACTS CAUSING HARM	6 MONTHS/(\$500)		S
180	DEALING WITH POISONOUS SUBSTANCE IN NEGLIGENT MANNER	6 MONTHS/(\$500)		S
181(1)	ACTS TENDING TO THE DESTRUCTION OF AIRCRAFT AND SHIPS	LIFE	A	
181(2)	ACTS TENDING TO HINDER GUIDANCE OF SEAMEN OR AIRMEN	7 YEARS	A	
182	CONVEYING PERSON FOR HIRE IN UNSAFE CONVEYANCE	1 YEAR		S
183	COMMON ASSAULT	1 YEAR/(\$1000)		S
184	ASSAULT CAUSING ACTUAL BODILY HARM	5 YEARS	A	
185	ASSAULT ON PERSON PROTECTIN WRECK	7 YEARS	A	
186	ASSAULTS SPECIALLY PUNISHABLE	2 YEARS		S
187	ASSAULTS ON FEMALE OR CHILD	6 MONTHS/(\$500)		S
188	ASSAULT ON POLICE OFFICER, ETC.	2 YEARS/(\$2000)		S
189	NEGLECTING SERVANT OR APPRENTICE	5 YEARS	A	

190	FAILURE TO SUPPLY NECESSARIES	5 YEARS	A	
191	ABANDONING OR EXPOSING CHILD UNDER TWO YEARS	7 YEARS	A	
192	CRUELTY TO CHILDREN			
	(a) ON CONVICTION ON INDICTMENT	5 YEARS/(\$5000)	A	
	(b) ON SUMMARY CONVICTION	6 MONTHS/(\$500)		S
193	OTHER NEGLIGENT ACTS OR OMISSIONS CAUSING HARM	1 YEAR /(\$1000)		S
195	KIDNAPPING	10 YEARS	A	
196	ABDUCTING WITH INTENT TO REMOVE FROM TERRITORY OR TO CONFINE IN TERRITORY	14 YEARS	A	
197	ABDUCTING OR KIDNAPPING FEMALE WITH INTENT TO MARRY, ETC.	14 YEARS	A	
198	UNLAWFULLY TAKING GIRL UNDER 16 YEARS AWAY FROM PARENT	2 YEARS		S
199	CHILD STEALING	7 YEARS	A	
200	WRONGFUL CONFINEMENT	5 YEARS	A	
201	UNLAWFUL COMPULSORY LABOUR	5 YEARS	A	
209	THEFT,		A	
	(a) ON SUMMARY CONVICTION	2 YEARS		S

	(b) ON CONVICTION ON INDICTMENT	10 YEARS	A	
210	ROBBERY	LIFE		S
211	BURGLARY	14 YEARS	A	
212	AGGRAVATED BURGLARY	LIFE	A	
213	REMOVING ARTICLES FROM PLACE OPEN TO PUBLIC	5 YEARS	A	
214	ABSTRACTION OF ELECTRICITY	2 YEARS/(\$2000)		S
215	FRAUDULENT USE OF TELEPHONE, FAX OR TELEX SYSTEM	2 YEARS/(\$2000)		S
216	TAKING CONVEYANCE WITHOUT AUTHORITY	2 YEARS/(\$2000)		S
217	OBTAINING PROPERTY DECEPTION BY	10 YEARS	A	
218	EVASION OF LIABILITY BY DECEPTION		A	
	(a) ON SUMMARY CONVICTION	1 YEAR		S
	(b) ON CONVICTION ON INDICTMENT	5 YEARS	A	
219	OBTAINING PECUNIARY ADVANTAGE OR SERVICES BY DECEPTION		A	S
	(a) ON SUMMARY CONVICTION	1 YEAR		S
	(b) ON CONVICTION ON INDICTMENT	5 YEARS	A	

220	MAKING OFF WITHOUT PAYMENT	6 MONTHS/(\$500)		S
221	FALSE ACCOUNTING	7 YEARS	A	
223	FALSE STATEMENTS BY COMPANY DIRECTORS, ETC.	7 YEARS	A	
224	DESTRUCTION, ETC. OF VALUABLE SECURITY OR PROCURING EXECUTION OF SAME BY DECEPTION	7 YEARS	A	
225	BLACKMAIL	14 YEARS	A	
226	HANDLING STOLEN GOODS	10 YEARS	A	
230	GOING EQUIPPED TO STEAL	3 YEARS	A	
235	FORGERY OF CERTAIN DOCUMENTS WITH INTENT TO DEFRAUD			
	(a) UNDER SUBSECTION (1)	LIFE	A	
	(b) UNDER SUBSECTION (2)	14 YEARS	A	
236	FORGERY OF CERTAIN DOCUMENTS WITH INTENT TO DEFRAUD OR DECEIVE			
	(a) UNDER SUBSECTION (1)	LIFE	A	
	(b) UNDER SUBSECTION (2)	14 YEARS	A	
	© UNDER SUBSECTION (3)	7 YEARS	A	
237	FORGING OR UTTERING FORGED COURT DOCUMENTS	7 YEARS	A	

238	FORGING OR UTTERING FORGED DOCUMENTS RELATING TO REGISTRATION OF BITRTHS, MARRIAGES AND DEATHS	LIFE	A	
239	FORGERY OF PASSPORT	2 YEARS/(\$2000)		S
240	FORGERY OF OTHER DOCUMENTS WITH INTENT TO DEFRAUD OR DECEIVE	2 YEARS/(\$2000)		S
241	FORGERY OF SEALS AND DIES			
	(a) UNDER SUBSECTION (1)	LIFE	A	
	(b) UNDER SUBSECTION (2)	14 YEARS	A	
242	UTTERING FORGED DOCUMENT, ETC. WITH INTENT TO DEFRAUD OR DECEIVE	THE SAME PENALTY AS IF HE HAD FORGED THE DOCUMENT, ETC.		
243	UTERING CANCELLED OR SPENT DOCUMENT	THE SAME PENALTY AS IF HEHAD FORGED THE DOCUMENT		
244	DEMANDING PROPERTY ON FORGED DOCUMENT	14 YEARS	A	
245	POSSESSIONOF FORGED NOTES, DOCUMENTS, SEALS OR DIES	14 YEARS	A	
246	MAKING OR POSSESSING IMPLEMENTS OR MATERIALS FOR FORGERY	7 YEARS	A	
247	UNAUTHORISED POSSESSION OF	2 YEARS		S

	PAPER, ETC. USED FOR MANUFACTURE OF CURRENCY NOTES			
249	COUNTERFEITING COIN,			
	(a) RESEMBLING GOLD OR SILVER COIN	LIFE	A	
	(b) RESEMBLING COIN OF OTHER METAL	7 YEARS	A	
250	IMPAIRING, ETC. CURRENT COIN,			
	(a) IMPAIRING GOLD OR SILVER COIN	14 YEARS	A	
	UNLAWFULLY POSSESSING GOLD OR SILVER FILLINGS, CLIPPINGS, ETC. OBTAINED BY IMPAIRING CURRENT COIN	7 YEARS	A	
251	KNOWINGLY UTTERING OR POSSESSING COUNTERFEIT COIN			
	(a) UNDER SUBSECTION (1)	1 YEAR/(\$1000)		S
	(b) UNDER SUBSECTION (2)	2 YEARS/(\$2000)		S
	(c) UNDER SUBSECTION (3)	5 YEARS	A	
	(d) UNDER SUBSECTION (4)	1 YEAR/(\$1000)		S
	(e) UNDER SUBSECTION (5)	14 YEARS	A	
	(f) UNDER SUBSECTION (6)	1 YEAR/(\$1000)		S
252	DEALING IN COUNTERFEIT COIN	7 YEARS	A	
253	IMPORTING AND EXPORTING COUNTERFEIT COIN	7 YEARS	A	

254	MAKING, POSSESSING AND SELLING ARTICLES RESEMBLING GOLD OR SILVER COIN			
255	MAKING, POSSESSING, ETC. IMPLEMENTS FOR COINING			
	(a) UNDER SUBSECTION (1)	14 YEARS	A	
	(b) UNDER SUBSECTION (2)	14 YEARS	A	
	(c) UNDER SUBSECTION (3)	7 YEARS	A	
256	DEFACING AND UTTERING DEFACED COINS	1 YEAR		S
	(a) UNDER SUBSECTION (1)	1 YEAR/(\$1000)		S
	(b) UNDER SUBSECTION (3)	\$100		S
257	MELTING DOWN CURRENCY	6 MONTHS/(\$500)		S
258	MUTILATING OR DEFACING CURRENCY NOTES	\$200		S
259	IMITATION OF CURRENCY			
	(a) UNDER SUBSECTION (1)	6 MONTHS/(\$500)		S
	(b) UNDER SUBSECTION (2)	6 MONTHS/(\$500)		S
	(c) UNDER SUBSECTION (3)	\$200		
261	PERSONATION IN GENERAL			
	(a) UNDER SUBSECTION (1)	1 YEAR/(\$1000)		S

	(b) UNDER SUBSECTION (2)	7 YEARS	A	
262(1)	PERSONATION OF PERSON NAMED IN CERTIFICATE, ETC.	THE SAME PENALTY AS FOR FORGERY OF THE CERTIFICATE, ETC.	A	
262(2)	LENDING CERTIFICATE, ETC. TO ANOTHER FOR PERSONATION OF PERSON NAMED THEREIN	7 YEARS	A	
263	PERSONATION OF PERSON NAMED IN TESTIMONIAL			
	(a) UNDER SUBSECTION (1)	1 YEAR/(\$1000)		S
	(b) UNDER SUBSECTION (2) 1 YEAR/(\$1000)			S
264	FALSELY ACKNOWLEDGING RECOGNISANCES, ETC.	7 YEARS	A	
265	DESTROYING OR DAMAGING PROPERTY,			
	(a) IN THE CASE OF ARSON	LIFE	A	
	(b) IN ANY OTHER CASE	10 YEARS	A	
266	THREATS TO DESTROY OR DAMAGE PROPERTY	10 YEARS	A	
267	POSSESSING ANYTHING WITH INTENT TO DESTROY OR DAAGE PROPERTY	10 YEARS	A	
272(1)	CASTING AWAY SHIPS, ETC.	LIFE	A	

272(2)	ATTEMPT TO COMMIT OFFENCE UNDER SUBSECTION (1)	14 YEARS	A	
273	CRIMINAL LIBEL	1 YEAR/(\$1000)		S
281	COMMON NUISANCE	6 MONTHS/(\$500)		S
282	WATCHING AND BESETTING	6 MONTHS/(\$500)		S
283	SENDING CHAIN LETTERS	6 MONTHS/(\$500)		S
284	IMPORTING, DISTRIBUTING, ETC. OBSCENE PUBLICATIONS	6 MONTHS/(\$500)		S
286	ROGUE AND VAGABOND,			
	(a) FOR THE FIRST OFFENCE	1 YEAR		S
	(b) FOR THE SECOND OR SUBSEQUENT OFFENCE	2 YEARS		S
287	DISORDERLY CONDUCT,			
	(a) UNDER SUBSECTION (1)	3 MONTHS/(\$250)		S
	(b) UNDER SUBSECTION (2)	3 MONTHS/(\$250)		S
	(c) UNDER SUBSECTION (3)	6 MONTHS/(\$500)		S
	(d) UNDER SUBSECTION (4)	3 MONTHS/(\$250)		S
	(e) UNDER SUBSECTION (5)	3 MONTHS/(\$250)		S
288	DRUNKENNESS IN PUBLIC PLACE			
	(a) ON FIRST CONVICTION	\$50		S

	(b) ON SECOND OR SUBSEQUENT CONVICTION	\$100		S
	(c) ON SUBSEQUENT CONVICTION WITHIN TWELVE MONTHS OF SUBSEQUENT CONVICTION	3 MONTHS/(\$250)		S
	(d) WHEN IN CHARGE OF VEHICLE OR FIREARM	6 MONTHS/(\$500)		S
289	ABUSIVE AND FALSE STATEMENTS,			
	(a) UNDER SUBSECTION (1)	3 MONTHS/(\$250)		S
	(b) UNDER SUBSECTION (2)	1 YEAR/(\$1000)		S
	(c) UNDER SUBSECTION (4)	6 MONTHS/(\$500)		S
290	PRACTISING OR DEALING IN OBEAH	1 YEAR/(\$1000)		S
291	NEGLIGENT ACT LIKELY TO SPREAD DISEASE	6 MONTHS/(\$500)		S
292	POLLUTION, NOISES AND SMELLS, ETC	6 MONTHS/(\$500)		S
293	ADULTERATION OF FOOD, ETC.	6 MONTHS/(\$500)		S
294	UNAUTHORISED WEARING OF UNIFORM	6 MONTHS/(\$500)		S
295	NEGLIGENCE WITH FIRE,			
	(a) UNDER SUBSECTION (1)	3 MONTHS/(\$250)		S
	(b) UNDER SUBSECTION (2)	1 YEAR/(\$1000)		S
296	THROWING MISSILES	1 YEAR/(\$1000)		S

	IN PUBLIC PLACE			
297	DEFACING BUILDINGS, ETC.	3 MONTHS/(\$250)		S
298	REMOVING BOATS, ETC	1 YEAR/(\$1000)		S
299	FAILING TO CONTROL ANIMALS IN PPUBLIC PLACE	\$250		S
300	LETTING OF FREWORKS AND FIREARMS IN PUBLIC PLACE	3 MONTHS/(\$250)		S
301	GAMBLING,			S
	(a) UNDER SUBSECTION (1)	1 YEAR/(\$1000)		S
	(b) UNDER SUBSECTION (6)	6 MONTHS/(\$500)		S
	(c) UNDER SUBSECTION (7)	3 MONTHS/(\$250)		S
302	NEGLECTING TO MAINTAIN FAMILY	3 MONTHS/(\$250)		S
303	UNLAWFUL DEPASTURING OF ANIMAL	3 MONTHS/(\$250)		S
304	OBSTRUCTING POLICE OFFICER	6 MONTHS/(\$500)		S
305	REFUSING TO ASSIST POLICE OFFICER	3 MONTHS/(\$250)		S
306	USING ANIMAL WITHOUT CONSENT OF WONER	\$250		S
307	INDECENCY IN PUBLIC PLACE,			
	(a) UNDER SUBSECTION (1)	3 MONTHS/(\$250)		S
	(b) UNDR SUBSECTION (2)	\$250		S

	(c) UNDER SUBSECTION (3)	6 MONTHS/(\$500)		S
308	HAVING THING REASONABLY SUSPECTED OF BEING STOLEN	6 MONTHS /(\$500)		S
309	UNLAWFULLY PREVENTING WORK OR TRADE	3 MONTHS/(\$250)		S
312	CONSPIRACY TO COMMIT AN OFFENCE	THE SAME PENALTY PRESCRIBED FOR THAT OFFENCE		
313	CONSPIRACY TENDING TO CORRUPT PUBLIC MORALS OR OUTRAGE PUBLIC DECENCY	6 MONTHS/(\$500)		S
317	ATTEMPT TO COMMIT AN OFFENCE WHERE NO PUNISHMENT PRESCRIBED			
	(a) IF COMPLETED OFFENCE PUNISHABLE BY IMPRISONMENT FOR LIFE	7 YEARS	A	
	(b) IN ANY OTHER CASE	THE SAME PENALTY AS FOR THE COMPLETED OFFENCE		
318	ASSISTING OFFENDER,			
	UNDER SUBSECTION 5 (a)	10 YEARS	A	
	UNDER SUBSECTION 5 (b)	7 YEARS	A	
	UNDER SUBSECTION 5 (c)	5 YEARS	A	

	UNDER SUBSECTION 5 (d)	3 YEARS		S
319	CONCEALING OFFENCE	2 YEARS		S
322	GIVING FALSE INFORMATION TO POLICE	6 MONTHS/ (\$500)		S