

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3,717 of 4th June, 2009

Private Member's Bill 02/09

BILL

FOR

AN ACT to amend the Criminal Offences Act.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Criminal Offences (Amendment) (No.2) Act 2009 and comes into operation on the day of publication.

2.(1) The Criminal Offences Act (in this Act referred to as the "principal Act") is amended in accordance with the provisions of this section.

(2) In section 153(1)(b) of the principal Act for the word "three" substitute the word "ten".

EXPLANATORY MEMORANDUM

The purpose of this Bill is to accelerate the introduction of increases in the sentencing powers available to a Judge of the Supreme Court of Gibraltar, when sentencing a person accused of the publication of obscene material, to make available to the Court the same sentencing powers as are available to a Judge dealing with similar offences in England and Wales. Whilst Government has already commenced a wholesale review of sexual and criminal offences legislation in Gibraltar, that review has not yet been completed or the relevant legislation published. Obscene publications include images of child pornography. As a result, any individual who might be charged with an offence of distributing child pornography until the law is

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changed would benefit from the maximum sentence being 3 years and not 10. In a recent sentencing in the Supreme Court of Gibraltar the issue has been highlighted. The equivalent sentencing powers in the law in England and Wales are to be found in Section 6 of the Protection of Children Act 1978, as amended.

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