

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4,072 of 10th April, 2014

B. 13/14

BILL

FOR

AN ACT to amend the Criminal Procedure and Evidence Act 2011.

ENACTED by the Legislature of Gibraltar.

Title and Commencement.

1. This Act may be cited as the Criminal Procedure and Evidence (Amendment) Act 2014 and comes into operation on the day of publication.

Amendment of the Criminal Procedure and Evidence Act 2011.

2.(1) The Criminal Procedure and Evidence Act 2011 is amended in accordance with this section.

(2) In section 612(1)(b) (excluded sentences) for “30 months” substitute “48 months”.

(3) For sections 613(1) and (2) substitute

“(1) For the purposes of this Part the rehabilitation period applicable to a sentence specified in the first column of the table in Schedule 11 (Table of rehabilitation periods) is the period beginning with the date of the conviction in respect of which the sentence is imposed, and ending—

(a) where the defendant is an adult, at the time listed specified in the second column of the table in Schedule 11;

(b) where the defendant is a juvenile, at the time listed specified in the third column of the table in Schedule 11.

(2) In subsection (1) and Schedule 11 the age of the defendant is the age at the date of conviction.”.

(4) After section 613(2) insert—

“(2A) Where no provision is made by or under a community or youth rehabilitation order or a relevant order for the last day on which the order is to have effect, the rehabilitation period for the order is to be the period of 24 months beginning with the date of conviction.

(2B) There is no rehabilitation period for—

- (a) an order discharging a person absolutely for an offence;
- (b) a caution; or
- (c) any other sentence in respect of a conviction where the sentence is not dealt with in Schedule 11 or under subsection (2A),

and, in such cases, references in this Part to any rehabilitation period are to be read as if the period of time were nil.”.

(5) For section 613(3) substitute—

“(3) For the purposes of this section—

- (a) consecutive terms of imprisonment are to be treated as a single term;
- (b) terms of imprisonment which are wholly or partly concurrent (that is terms of imprisonment imposed in respect of offences of which a person was convicted in the same proceedings) are to be treated as a single term;
- (c) no account is to be taken of any subsequent variation, made by a court dealing with a person in respect of a

suspended sentence of imprisonment, of the term originally imposed;

- (d) no account is to be taken of any subsequent variation of the day originally provided for by or under an order as the last day on which the order is to have effect;
- (e) a sentence imposed by a court outside Gibraltar is to be treated as the sentence mentioned in this section to which it most closely corresponds.”.

(6) For section 613(5) substitute–

“(5) The Minister may by Order amend the second or third column of the Table in Schedule 11 or the number of months for the time being specified in subsection (2A).”.

(7) After section 613(5) insert–

“(6) In this section and Schedule 11 “relevant order” means–

- (a) an order discharging a person conditionally for an offence;
- (b) an order binding a person over to keep the peace or be of good behaviour;
- (c) a hospital order under the Mental Health Act; or
- (d) any order which imposes a disqualification, disability, prohibition or other penalty and is not otherwise dealt with in Schedule 11 or under subsection (2A),

but does not include a reparation order.”.

(8) For Schedule 11 (Table of rehabilitation periods) substitute–

“SCHEDULE 11

(Section 613)

TABLE OF REHABILITATION PERIODS

<i>Sentence</i>	<i>End of rehabilitation period for adult offenders</i>	<i>End of rehabilitation period for offenders under 18 at date of conviction</i>
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made in full	The date on which the payment is made in full

A community or youth rehabilitation order or a probation order under the Criminal Procedure Act	The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which the order is to have effect	The end of the period of 6 months beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect	The day provided for by or under the order as the last day on which the order is to have effect

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EXPLANATORY MEMORANDUM

This Bill amends the Criminal Procedure and Evidence Act 2011 so as to increase the range of sentences to which rehabilitation attaches and to decrease the rehabilitation period in respect of certain sentences.

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