

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4477 of 18 June, 2018

B. 15/18

BILL

FOR

AN ACT to amend the Crimes Act 2011 so as to make certain acts of voyeurism an offence

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Crimes (Amendment) Act 2018.

Commencement.

2. This Act comes into operation on the day appointed by the Minister with responsibility for Justice by notice in the Gazette.

Amendments to the Crimes Act 2011.

3.(1) The Crimes Act 2011 is amended as follows.

(2) After section 293 (voyeurism) insert—

“Voyeurism: additional offences.

293A.(1) A person (A) commits an offence if A—

- (a) without another person (B) consenting; and
- (b) without any reasonable belief that B consents,

operates equipment beneath B's clothing with the intention of enabling A or another person (C), for a purpose mentioned in subsection (3), to observe B's genitals or buttocks (whether exposed or covered with underwear) or the underwear covering B's genitals or buttocks, in circumstances where the genitals, buttocks or underwear would not otherwise be visible.

(2) A person (A) commits an offence if A—

- (a) without another person (B) consenting; and
- (b) without any reasonable belief that B consents,

records an image beneath B's clothing of B's genitals or buttocks (whether exposed or covered with underwear) or the underwear covering B's genitals or buttocks, in circumstances where the genitals, buttocks or underwear would not otherwise be visible, with the intention that A or another person (C), for a purpose mentioned in subsection (3), will look at the image.

(3) The purposes referred to in subsections (1) and (2) are—

- (a) obtaining sexual gratification (whether for A or C); or
- (b) humiliating, distressing or alarming B.

(4) A person guilty of an offence under this section is liable—

- (a) on summary conviction, to imprisonment for 12 months, or to the statutory maximum fine, or both;
- (b) on conviction on indictment, to imprisonment for 2 years.”.

(3) In section 294 (voyeurism: interpretation), after subsection (2), insert—

“ (3) For the purposes of section 293A(1), operating equipment includes enabling or securing its activation by another person without that person's knowledge.”.

(4) In Schedule 3 (sexual offences for purposes of Part 13), in paragraph 35 after “section 293 (Voyeurism)” insert “or section 293A (Voyeurism: additional offences)”.

EXPLANATORY MEMORANDUM

This Bill makes certain acts of voyeurism, (commonly referred to as “upskirting”), an offence in Gibraltar. It also makes provision for the most serious instances to be “sexual offences” for the purposes of Part 13 of the Act, (in line with current voyeurism offences).

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