

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,711 of 11th FEBRUARY, 1993.

I ASSENT,
DEREK REFFELL,
GOVERNOR.

11th February, 1993.



GIBRALTAR.
No. 2 of 1993.

AN ORDINANCE to amend the Criminal Offences Ordinance.

ENACTED by the Legislature of Gibraltar.

Title and commencement.

1.(1) This Ordinance will be cited as the Criminal Offences (Amendment) Ordinance, 1993.

(2) The Ordinance shall take effect in respect of offences committed on or after a day appointed by the Governor by notice in the Gazette for this purpose.

Amendment to section 19.

2. Section 19 of the principal Ordinance is amended in subsection (2) by omitting the expression "of £200" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 26.

3. Section 26 of the principal Ordinance is amended-

- (a) in sub-section (1) by omitting the expression "of £100";
- (b) in sub-section (2) by omitting the expression "of £50".

Amendment to section 29.

4. Section 29 of the principal Ordinance is amended in sub-section (1) by-

- (a) omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale";
- (b) omitting the expression "of £500".

Amendment to section 30.

5. Section 30 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 31.

6. Section 31 of the principal Ordinance is amended in sub-section (3) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 32.

7. Section 32 of the principal Ordinance is amended in sub-section (3) by omitting the expression "of £100" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 33.

8. section 33 of the principal Ordinance is amended in sub-sections (1) and (3) by omitting the expression "of £50" in the place where that expression occurs in each sub-section and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 34.

9. Section 34 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 35.

10. Section 35 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 36.

11. Section 36 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £50" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 37.

12. Section 37 of the principal Ordinance is amended by omitting the expression "of £25" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 38.

13. Section 38 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 39.

14. Section 39 of the principal Ordinance is amended by omitting the expression "of £100".

Amendment to section 40.

15. Section 40 of the principal Ordinance is amended in sub-section (1) by-

- (a) in paragraph (a) omitting the expression "of £50" and substituting therefor the expression "at level 3 on the standard scale";
- (b) in paragraph (b) omitting the expression "of £100".

Amendment to section 41.

16. Section 41 of the principal Ordinance is amended by-

- (a) omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".
- (b) omitting the expression "of £200" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 42.

17. Section 42 of the principal Ordinance is amended by omitting -the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 44.

18. Section 44 of the principal Ordinance is amended in sub-section (4)(a) by omitting the expression "of £1000" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 45.

19. Section 45 of the principal Ordinance is amended in sub-section (4) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 46.

20. Section 46 of the principal Ordinance is amended in sub-section (3) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 48.

21. Section 48 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 49.

22. Section 49 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £10" and substituting therefor the expression "at level 1 on the standard scale".

Amendment to section 50.

23. Section 50 of the principal Ordinance is amended by omitting the expression "of £25" and substituting therefor the expression "at level 1 on the standard scale".

Amendment to section 51.

24. Section 51 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 53.

25. Section 53 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 54.

26. Section 54 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 55.

27. Section 55 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £75" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 56.

28. Section 56 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 57.

29. Section 57 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 82.

30. Section 82 of the principal Ordinance is amended-

(a) in sub-section (1) by-

(i) in paragraph (a) omitting the expression "of £100";

(ii) in paragraph (b) omitting the expression "of £50" and substituting therefor the expression "at level 4 on the standard scale";

(b) in sub-section (4) by omitting in paragraph (a) the expression "of £200".

Amendment to section 89.

31. Section 89 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £100" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 95.

32. Section 95 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 96.

33. Section 96 of the principal Ordinance is amended by omitting in paragraph (a) the expression "of £25" and substituting therefor the expression "at level 2 on the standard scale".

New section 116A.

34. The principal Ordinance is amended by inserting after section 116 the following new section-

"Exceptions to sections 115 and 116.

116A.(1) Where the acts constituting the offences referred to in sections 115 and 116, occurred in private between two men who consented thereto and at the time were over the age of 18-

(a) in the case of section 115, neither of such persons shall be guilty of an offence;

(b) in the case of section 116-

(i) neither of such persons committing the acts shall be guilty of an offence; and

(ii) the person who procures the commission of such acts, shall not thereby be guilty of an offence.

(2) An act which would otherwise be treated for the purposes of this section as being done in private, shall not be so treated if done-

(a) when more than two persons take part or are present; or

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(b) in a lavatory to which the public have or are permitted to have access, whether on payment or otherwise.

- (3) A man who is a defective cannot in law, give any consent which by virtue of sub-section (1) of this section, would prevent the acts referred to in sections 115 and 116 from being an offence, but a person shall not be convicted on account of the incapacity of such a man to give consent, of an offence consisting of such an act if he proves that he did not know and had no reason to suspect that man to be a defective.
- (4) Sub-section (1) of this section shall not prevent an act from being an offence (other than a civil offence) under any provision of the Gibraltar Regiment Ordinance.
- (5) Where in any proceedings, the defendant alleges that the provisions of this section apply in respect of the acts complained of, it shall be for the prosecutor to prove that the act or acts were done otherwise than in private or otherwise done with the consent of the parties or that any of the parties had not attained the age of 18 years. "

Amendment to section 119.

35. Section 119 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £100" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 129.

36. Section 129 of the principal Ordinance is amended by omitting the expression "of £50".

Amendment to section 132.

37. Section 132 of the principal Ordinance is amended by omitting the expression "of £50".

Amendment to section 134.

38. Section 134 of the principal Ordinance is amended by omitting the expression "of £250" and substituting therefor the expression "at level 5 on the standard scale".

amendment to section 135.

39. section 135 of the principal ordinance is amended by-

- (a) omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale";
- (b) omitting the expression "of £250" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 136.

40. Section 136 of the principal Ordinance is amended in subsection (1) by-

- (a) omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale";
- (b) omitting the expression "of £250" and substituting therefor the expression "at level 5 on the standard scale";

Amendment to section 137.

41. Section 137 of the principal Ordinance is amended by-

- (a) omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale";
- (b) omitting the expression "of £250" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 147.

42. Section 147 of the principal Ordinance is amended-

- (a) in sub-section (1) by omitting the expression "of £100";

- (b) in sub-section (2) by omitting the expression "of £50".

Amendment to section 148.

43. Section 148 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £50".

Amendment to section 153.

44. Section 153 of the principal Ordinance is amended in subsection (1)(a) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 154.

45. Section 154 of the principal Ordinance is amended by omitting the expression "of £100".

Amendment section 164.

46. Section 164 of the principal Ordinance is amended by-

- (a) inserting after the word "who" a comma and the words "without the authority of the Government,";
- (b) omitting the expression "of £250" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 165.

47. Section 165 of the principal Ordinance is amended by omitting the expression "on conviction to a fine of £50" and substituting therefor the expression "on summary conviction to a fine at level 2 on the standard scale".

Amendment to section 165D.

48. Section 165D of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 168.

49. Section 168 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £200" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 169.

50. Section 169 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 184.

51. Section 184 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 185.

52. Section 185 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 186.

53. section 186 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £75" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 188.

54. Section 188 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 192.

55. Section 192 of the principal Ordinance is amended in subsection (3) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 193.

56. Section 193 of the principal Ordinance is amended in subsection (3) by omitting the figure "of £500" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 196A.

57. Section 196A of the principal Ordinance is amended in subsection (1) by omitting the expression "of £400" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 205.

58. Section 205 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 210.

59. Section 210 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 213.

60. Section 213 of the principal Ordinance is amended-

- (a) in sub-section (1) by omitting the expression "of £10" and substituting therefor the expression "at level 1 on the standard scale";
- (b) in sub-section (2) by omitting the expression "of £25" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 226.

61. Section 226 of the principal Ordinance is amended-

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- (a) in sub-section (1) (a) by omitting the expression "of £400" and substituting therefor the expression "at level 4 on the standard scale";
- (b) in sub-section (3) by omitting the expression "of £400" and substituting therefor the expression "at level 4 on the standard scale".

Amendment to section 227.

62. Section 227 of the principal Ordinance is amended in subsection (3) by omitting the expression "of \$5" and substituting therefor the expression "at level 1 on the standard scale".

Amendment to section 236.

63. Section 236 of the principal Ordinance is amended by-

- (a) omitting the expression "of £500";
- (b) omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 248.

64. Section 248 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 249.

65. Section 249 of the principal Ordinance is amended in subsection (1)(d)(ii) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 253.

66. Section 253 of the principal Ordinance is amended-

- (a) in paragraph (a) by omitting the expression "of £100";

- (b) in paragraph (b) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 254.

67. Section 254 of the principal Ordinance is amended-

- (a) in subsection (1) by omitting the expression "of £200" and substituting therefor the expression "at level 4 on the standard scale";
- (b) in sub-section (2) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 259.

68. Section 259 of the principal Ordinance is amended in subsection (3) by omitting the expression "of £500" and substituting therefor the expression "at level 5 on the standard scale".

Amendment to section 260.

69. Section 260 of the principal Ordinance is amended in sub-section (1) by omitting the expression "of £50" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 261.

70. Section 261 of the principal Ordinance is amended by-

- (a) omitting the expression "of £10" and substituting therefor the expression "at level 1 on the standard scale";
- (b) omitting the expression "of £20" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 262.

71. Section 262 of the principal Ordinance is amended by omitting the expression "of £50" in the two places where it appears and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 263.

72. Section 263 of the principal Ordinance is amended in subsection (1) by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 264.

73. Section 264 of the principal Ordinance is amended-

(a) in sub-section (1) by

(i) omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale";

(ii) omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale";

(b) in sub-section (2) by-

(i) omitting the expression "of £10" and substituting therefor the expression "at level 1 on the standard scale";

(ii) omitting the expression "of £20" and substituting therefor the expression "at level 2 on the standard scale";

(c) in sub-section (3) by-

(i) omitting the expression "of £10" and substituting therefor the expression "at level 1 on the standard scale";

(ii) omitting the expression "of £20" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 265.

74. Section 265 of the principal Ordinance is amended-

- (a) in sub-section (1) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale";
- (b) in sub-section (2) by omitting the expression "of £5" and substituting therefor the expression "at level 1 on the standard scale".

Amendment to section 266.

75. Section 266 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 267.

76. Section 267 of the principal Ordinance is amended by omitting the expression "of £25" and substituting therefor the expression "at level 1 on the standard scale".

Amendment to section 268.

77. Section 268 of the principal Ordinance is amended by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Amendment to section 269.

78. Section 269 of the principal Ordinance is amended by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 271.

79. Section 271 of the principal Ordinance is amended by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale".

Amendment to section 272.

80. Section 272 of the principal Ordinance is amended in paragraph (a) by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale".

Amendment to section 273.

81. Section 273 of the principal Ordinance is amended by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale".

Amendment to section 274.

82. Section 274 of the principal Ordinance is amended by omitting the expression "conviction to a fine of £100" and substituting therefor the expression "summary conviction to a fine at level 3 on the standard scale".

Amendment to section 275.

83. Section 275 of the principal Ordinance is amended in subsection (1) by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale".

Amendment to section 276.

84. Section 276 of the principal Ordinance is amended-

(a) in sub-section (1) by-

(i) inserting in paragraph (ii) after the word "publicity" the words "or intended to benefit by";

(ii) omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale";

(b) in sub-section (2) by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale".

Amendment to section 277.

85. Section 277 of the principal Ordinance is amended in subsection (1) by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 2 on the standard scale".

Amendment to section 278.

86. Section 278 of the principal Ordinance is amended by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 4 on the standard scale".

Amendment to section 279.

87. Section 279 of the principal Ordinance is amended by omitting the expression "conviction to a fine of £50" and substituting therefor the expression "summary conviction to a fine at level 3 on the standard scale".

Amendment to section 280.

88. Section 280 of the principal Ordinance is amended-

- (a) in sub-section (1) by omitting the expression "of £75" and substituting therefor the expression "at level 3 on the standard scale";
- (b) in sub-section (2) by omitting the expression "of £100" and substituting therefor the expression "at level 3 on the standard scale".

Amendment to section 281.

89. Section 281 of the principal Ordinance is amended-

- (a) by inserting after the figure "281" the figure "(1)";
- (b) in sub-section (1) as now so designated, by omitting the expression "of £50" and substituting therefor the expression "at level 2 on the standard scale".

Passed by the Gibraltar House of Assembly on the 3rd day of February, 1993.

D. FIGUERAS,
Clerk to the Assembly.