

CRIMINAL CODE
TABLE OF CONTENTS

PART 1

INTERPRETATION

SECTION

1. Interpretation
2. General rule of construction of this Code

PART 2

APPLICATION OF CODE

3. Application of Code to offences committed in Anguilla
4. Offences committed partly within and partly beyond the jurisdiction
5. Offences at sea
6. Application of Code to other laws
7. Code not to affect certain laws

PART 3

OFFENCES TRIABLE SUMMARILY OR ON INDICTMENT

8. When offences triable summarily or on indictment

PART 4

GENERAL RULES AS TO CRIMINAL LIABILITY

9. Ignorance of the law
10. *Bona fide* claim of right
11. Intention and motive
12. Provisions relating to negligence
13. Mistake of fact
14. Presumption of sanity
15. Insanity
16. Intoxication
17. Immature age
18. Duress
19. Compulsion by husband
20. Defence of person or property
21. Use of force in effecting arrest
22. Person not to be punished twice for same offence

PART 5
ATTEMPTS

23. Attempt defined
24. Punishment for attempt to commit an offence

PART 6
PARTIES TO OFFENCES

25. Principal offenders
26. Offences committed by joint offenders in prosecution of common purposes
27. Counselling another to commit an offence
28. Assisting offenders
29. Concealing an offence

PART 7
CONSPIRACY

30. Interpretation for purposes of this Part
31. Conspiracy to commit an offence
32. Exceptions to section 31
33. Punishment for conspiracy
34. Conspiracy to corrupt public morals or outrage public decency
35. Supplementary provisions regarding conspiracy

PART 8
PUNISHMENTS

36. Application of Part
37. Imprisonment
38. Court may take other offences into consideration
39. Fines and fines in relation to imprisonment
40. Term of imprisonment for non-payment of fine, costs, compensation, etc.
41. Reduction of prescribed minimum penalties
42. Forfeiture of proceeds of offences
43. Compensation
44. Costs
45. Suspended sentence of imprisonment
46. Security for keeping the peace
47. Security for coming up for judgment
48. General punishment for offences
49. Sentences cumulative unless otherwise ordered
50. Escaped convicts to serve unexpired sentences when recaptured
51. Discharge of offender without punishment
52. Community service orders

PART 9

OFFENCES AGAINST GOVERNMENT AND PUBLIC ORDER

Treason

53. Definition of overt act
54. Treason
55. Concealment of treason
56. Treason felony
57. Limitation on prosecution for treason, etc.
58. Incitement to mutiny
59. Aiding, etc., acts of mutiny
60. Inducing police officer, etc., to desert

Piracy

61. Piracy *iure gentium*
62. Piracy in other cases

Sedition

63. Definitions for the purposes of sections 64 to 69
64. Seditious intention
65. Seditious offences
66. Power to prohibit importation of publications
67. Offences in respect of prohibited publications
68. Delivery of prohibited publication to police officer
69. Power to examine suspected package, etc.
70. Legal proceedings
71. Power to grant search warrants
72. Obstruction of person carrying out duties regarding prohibited publications
73. Seditious and prohibited publications to be forfeited
74. Evidence
75. Unlawful oaths to commit serious offences
76. Defence of compulsion
77. Unlawful drilling in the use of arms, etc.
78. Publication of false news likely to cause fear and alarm the public

Riot

79. Unlawful assembly
80. Riot and riotous or violent conduct
81. Proclamation for dispersal of rioters and rioting thereafter
82. Obstructing making of proclamation
83. Rioters destroying or damaging certain property
84. Rioters interfering with aircraft, vehicle or vessel

Participation in Criminal Group

85. Participation in organised criminal group

Explosives and Other Things Used to Commit Offences

86. Possession of explosives and other things with intent to commit an offence
87. Magistrate may issue search warrants
88. Forfeiture

Offensive Weapons Other Than Firearms

89. Offence of having article with blade or point in a public place
90. Offences in connection with knives and certain weapons other than firearms
91. Power of search, arrest and forfeiture

Miscellaneous Offences Against Public Order

92. Forcible entry
93. Forcible detainer
94. Criminal trespass
95. Trespass on security areas
96. Challenging or offering to fight
97. Taking part in fight in public place
98. Threatening violence
99. Assembling for purpose of smuggling

PART 10

CORRUPTION AND THE ABUSE OF OFFICE

100. Official corruption
101. Extortion by public officers
102. Public officers receiving property to show favour
103. Public officers charged with special duties and having a conflict of interest
104. False claims by officials
105. Abuse of office
106. False certificate by public officers
107. False assumption of authority
108. Personating public officers
109. Threat of injury to persons employed in the public service
110. Frauds and breaches of trust by public officers
111. False information to person employed in public service

PART 11

OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

112. Deceiving witness
113. Destroying evidence
114. False swearing
115. Conspiracy to defeat justice and interference with witness

116. Offences relating to judicial proceedings
117. Perjury
118. Subornation, etc., of offence under this Part
119. Fabrication of evidence
120. Contradictory statements by witnesses
121. False affidavit made out of Anguilla
122. False affidavit or declaration in respect of insurance
123. Evidence in trial for perjury
124. Form of oath, etc., not material
125. Compounding of offences
126. Rescue from lawful custody
127. Escape from lawful custody
128. Permitting prisoner to escape
129. Aiding prisoner to escape and harbouring a prisoner
130. Removal of property under lawful seizure
131. Obstructing court officers
132. Wasteful employment of police by giving false reports, etc.

PART 12

OFFENCES RELATING TO RELIGION

133. Insulting religion
134. Disturbing religious assembly
135. Hindering burial, etc.
136. Wounding religious feelings, trespassing on burial place, etc.

PART 13

OFFENCES RELATING TO MARRIAGE

137. Bigamy
138. Fraudulent pretence of marriage
139. Fraudulently taking part in sham marriage ceremony
140. Personation in marriage ceremony

PART 14

SEXUAL OFFENCES

Interpretation for purposes of this Part

141. Definitions for purposes of this Part
142. Proof of sexual intercourse
143. Definition of "abduction of a minor"

Sexual Offences Against Minors

144. Sexual intercourse with person under 14 years of age

145. Sexual intercourse with person between 14 and 16 years of age
146. Sexual intercourse with minor suffering from mental disorder
147. Sexual intercourse with dependent child
148. Indecent assault on minor
149. Procuration of minor
150. Living on earnings of prostitution of minor
151. Failure to disclose HIV infection prior to sexual intercourse with person between 16 and 18 years of age
152. Causing or encouraging prostitution of minor
153. Householder, etc., permitting defilement of minor on his premises
154. Forcible taking or detention of minor with intent to have sexual intercourse
155. Unlawful detention of minor with intent to have sexual intercourse
156. Abduction of unmarried person under 16 years of age
157. Abduction of unmarried person between 16 and 18 years of age
158. Special provisions as to aiding or abetting in cases of abduction of minor
159. Special provisions as to abduction of minor
160. Sexual harassment of minor
161. Powers of court where sexual offence committed against minor
162. Mandatory reporting of suspected abuse of minors

Other Sexual Offences

163. Rape
164. Sodomy and bestiality
165. Incest
166. Unlawful sexual intercourse with woman suffering from mental disorder
167. Sexual assault by husband
168. Attempted buggery, and indecent assault, on a man
169. Indecent assault on a woman
170. Abduction or kidnapping woman with intent to marry, etc.

Prostitution of Adults

171. Causing prostitution of woman
172. Procuring woman by threats or false pretences
173. Administering drugs to facilitate sexual intercourse
174. Detention of woman in brothel, etc.
175. Man living on earnings of prostitution
176. Person exercising control over prostitute
177. Living on earnings of male prostitution
178. Keeping a brothel
179. Letting premises for use as brothel
180. Prostitution: solicitation
181. Prostitution: riotous or indecent behaviour

Power of Search

182. Power of search

Trial of Sexual Offences

- 183. Hearings *in camera*
- 184. Anonymity of complainant

PART 15

ABORTION

- 185. Use of poison, etc., or instruments to cause miscarriage
- 186. Supplying poison, etc., with intent to procure miscarriage
- 187. Child destruction

PART 16

HOMICIDE AND OTHER OFFENCES AGAINST THE PERSON

Homicide, Suicide, etc.

- 188. Definition of murder
- 189. Persons suffering from diminished responsibility
- 190. Penalty for murder
- 191. Provocation
- 192. Attempted murder
- 193. Manslaughter
- 194. Provision for trial of murder and manslaughter in certain cases
- 195. Infanticide
- 196. Threats to murder
- 197. Conspiracy to murder
- 198. Aiding, abetting, etc., suicide
- 199. Suicide pacts
- 200. Meaning of "causing death"
- 201. Persons capable of being killed
- 202. Concealing birth of a child
- 203. Abolition of the year and a day rule and proceedings for fatal offence
- 204. Proceedings for fatal offence

Wounding

- 205. Wounding or causing grievous bodily harm with intent
- 206. Wounding or inflicting grievous bodily harm
- 207. Wounding

Unlawful Use of Poisons and Explosives, etc.

- 208. Attempting to choke in order to commit an offence
- 209. Using anaesthetic to commit an offence
- 210. Administering poison so as to endanger life or inflict grievous bodily harm
- 211. Administering poison with intent to injure, etc.
- 212. Causing grievous bodily harm by corrosive or explosive substance

- 213. Using explosive or corrosive substance with intent to do grievous bodily harm
- 214. Placing explosive near building, etc., with intent to cause bodily harm
- 215. Causing explosion likely to endanger life or property
- 216. Setting traps, etc., with intent to inflict grievous bodily harm
- 217. Unlawful use of firearms
- 218. Excessive use of force
- 219. Reckless and negligent acts
- 220. Other negligent acts or omissions causing harm
- 221. Dealing with poisonous substances in a negligent manner
- 222. Conveying person for hire in unsafe conveyance

Assault

- 223. Common assault
- 224. Assault causing actual bodily harm
- 225. Assault on person protecting wreck
- 226. Assaults specially punishable
- 227. Assaults on female or male under 14 years of age
- 228. Assault on police officer, etc.
- 229. Limitation on Magistrate's jurisdiction

Miscellaneous

- 230. Impeding escape from shipwreck

PART 17

NEGLECT ENDANGERING LIFE OR HEALTH

- 231. Neglecting apprentice or servant
- 232. Failure to supply necessaries
- 233. Abandoning or exposing child under 2 years of age
- 234. Cruelty to children
- 235. Other unlawful acts or omissions to do duty that cause harm

PART 18

ABDUCTION, KIDNAPPING AND SIMILAR OFFENCES

- 236. Definitions of "abduction" and "kidnapping"
- 237. Punishment for kidnapping
- 238. Hostage-taking
- 239. Abduction with intent to convey person out of Anguilla
- 240. Unlawfully taking girl under age of 16 years away from parent
- 241. Child stealing
- 242. Wrongful confinement
- 243. Unlawful compulsory labour

PART 19

EXPLOITATION OF PERSONS

- 244. Dealing in slaves
- 245. Dealing in people under 18 for sexual exploitation, removal of body parts, or engagement in forced labour

Smuggling and trafficking in people

- 246. Interpretation for sections 246 to 249
- 247. Smuggling migrants
- 248. Trafficking in people by means of coercion or deception
- 249. Aggravating factors
- 250. Attorney General's consent to prosecutions required

PART 20

OFFENCES RELATING TO PROPERTY

- 251. Interpretation for the purposes of this Part
- 252. Definition of "theft", "thief" and "steal"
- 253. Acts which are not dishonest
- 254. Definition of "appropriates"
- 255. Definition of "property"
- 256. Property belonging to another
- 257. Intention of permanently depriving the owner of property
- 258. Theft
- 259. Robbery
- 260. Burglary
- 261. Aggravated burglary
- 262. Removal of articles from place open to the public
- 263. Abstraction of electricity
- 264. Fraudulent use of telephone, fax or telex system
- 265. Taking conveyance without authority
- 266. Obtaining property by deception
- 267. Evasion of liability by deception
- 268. Obtaining pecuniary advantage or services by deception
- 269. Making off without payment
- 270. False accounting
- 271. False statement by company directors
- 272. Suppression of documents
- 273. Blackmail
- 274. Handling stolen goods
- 275. Possession of thing reasonably suspected of being stolen
- 276. Going equipped to steal, etc.
- 277. Advertisements for stolen property
- 278. Corruptly taking a reward

- 279. Liability of company officers for certain offences committed by company
- 280. Liability of spouses
- 281. Provisions relating to stolen goods
- 282. Procedure and evidence in trial for handling stolen goods
- 283. General deficiency in account
- 284. Evidence by statutory declaration in certain cases
- 285. Compulsory disclosure in civil action or bankruptcy
- 286. Forfeiture of article used in committing offence
- 287. Restitution

PART 21

FORGERY AND COUNTERFEITING

Forgery

- 288. Interpretation for the purposes of this Part
- 289. Meaning of "instrument"
- 290. Meaning of "false" and "making"
- 291. Meaning of "prejudice" and "induce"
- 292. Forgery
- 293. Copying a false instrument
- 294. Using a false instrument
- 295. Using a copy of a false instrument
- 296. Offences relating to money orders, share certificates, passports, etc.

Counterfeiting and Kindred Offences

- 297. Meaning of "counterfeit"
- 298. Interpretation of terms relating to coining offences
- 299. Counterfeiting notes and coins
- 300. Passing counterfeit notes and coins
- 301. Custody of counterfeit notes and coins
- 302. Custody or control of counterfeiting materials and implements
- 303. Dealing in counterfeit notes and coins
- 304. Importing and exporting counterfeit notes or coins
- 305. When note or coin need not be in a fit state to be passed
- 306. Powers of search, forfeiture, etc.

PART 22

PERSONATION

- 307. Personation in general
- 308. Lending, or personating person named in, certificate, etc.
- 309. Personation in respect of a testimonial
- 310. Falsely acknowledging recognizances, etc.

PART 23

CRIMINAL DAMAGE AND SIMILAR OFFENCES

- 311. Definition of "property"
- 312. Destroying or damaging property
- 313. Award of compensation in case of a conviction of an offender under section 312
- 314. Threats to destroy or damage property
- 315. Possessing anything with intent to destroy or damage property
- 316. Lawful excuse for destruction of property
- 317. Trespass
- 318. Acts tending to the destruction of aircraft and ships
- 319. Casting away ships, etc.
- 320. Powers of search

PART 24

CRIMINAL LIBEL

- 321. Libel
- 322. Definition of "defamatory matter"
- 323. Definition of "publication"
- 324. Definition of "unlawful publication"
- 325. Absolute privilege
- 326. Conditional privilege
- 327. Explanation as to good faith
- 328. Presumption as to good faith

PART 25

NUISANCES AND OTHER OFFENCES AGAINST THE PUBLIC IN GENERAL

Nuisance

- 329. Common nuisance
- 330. Watching and besetting
- 331. Chain letters
- 332. Annoyance in public place
- 333. Dancing and other amusements

Indecency

- 334. Indecency in public place
- 335. Obscene publications
- 336. Indecent statements

Idle and Disorderly Conduct

- 337. Idle and disorderly persons
- 338. Offensive behaviour
- 339. Loitering
- 340. Arrest of person found committing offence under section 337, 338 or 339
- 341. Warrant for arrest of person committing offence under section 337, 338 or 339
- 342. Search warrants
- 343. Disorderly conduct
- 344. Drunkenness in public place
- 345. Firearms in public place
- 346. Neglecting to maintain family

Gambling

- 347. Gambling

Regulation of Employment

- 348. Preventing work or trading

Prevention of Spread of Disease

- 349. Negligent act likely to spread disease
- 350. Pollution, noises, smells, etc.
- 351. Adulteration of food, etc.

Uniforms

- 352. Unauthorised wearing of uniform
- 353. Bringing contempt on uniform

Offences against Persons or Property

- 354. Negligence with fire
- 355. Throwing missile, etc., in public place
- 356. Defacing building, etc.
- 357. Removing boats, etc.

Control and Treatment of Animals

- 358. Failure to control animals, etc., in public place
- 359. Unlawful depasturing of animals
- 360. Using animal without consent of owner

Offences against Police Officers

- 361. Obstructing police officer
- 362. Refusing to assist police officer, give name, etc.

Use of Vehicles and Animals

- 363. Driving and riding
- 364. Vehicles to be marked

Jurisdiction in Respect of Offence under this Part

- 365. Jurisdiction in respect of offence under this Part

PART 26

MISCELLANEOUS

- 366. Arrest without warrant
- 367. Further provisions concerning arrestable offences
- 368. Provisions relating to cases in which the consent of the Attorney General is required
- 369. Alternative verdicts
- 370. Restriction on proceedings for offences under common law
- 371. Abolition of distinctions between felony and misdemeanour
- 372. Abolition of certain common law offences
- 373. Abolition of corporal punishment
- 374. Citation

SCHEDULE: Table of Alternative Verdicts