CRIMINAL OFFENCES ACT, 2025

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CRIMINAL OFFENCES ACT, 2025

AN ACT to revise and consolidate the law relating to criminal offences and for other connected matters.

ENACTED by the President and the National Assembly.

[ ]

CHAPTER I - GENERAL PROVISIONS

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Criminal Offences Act 2025.

2. Saving of certain laws

(1) Except where otherwise expressly provided, nothing in this Act shall affect -

(a) the liability of a person to be tried or punished for an offence under the provisions of any law in force in The Gambia relating to the jurisdiction of the courts in respect of acts done beyond the ordinary jurisdiction of those courts;

(b) the power of any court to punish a person for contempt of such court;

(c) the liability or trial of a person, or the punishment of a person under a sentence passed or to be passed, in respect of an act done or commenced before the commencement of this Act;

(d) the power of the President to grant any pardon or to remit or commute in whole or in part or to respite the execution of any sentence passed or to be passed; or

(e) any of the Acts or Regulations for the time being in force for the governing of the military or police forces of The Gambia.

(2) Where a person does an act which is punishable under this Act and is also punishable under another written law mentioned in this section, he or she shall not be punished for that act both under that written law and also under this Act.

(3) Where an act constitutes an offence under two or more enactments, the offender shall be liable to be prosecuted and punished under either or any of those enactments.

(4) This section shall not affect a right conferred by an enactment on any person to take disciplinary measures against the offender in respect of the act constituting the offence.

(5) Unless otherwise expressly provided, a person shall not be -

(a) liable to punishment by the common law for any act; or

(b) convicted of a criminal offence, unless that offence is defined and the penalty prescribed in a written law.

PART II – INTERPRETATION

3. Interpretation

In this Act –

"Act" includes any order, rules or regulations or by-laws made under the authority of an Act;

"bank note" includes any currency note issued under the authority of an Act, a currency note issued by or on behalf of the Government of a country outside The Gambia, a note (by whatever name called) which is a legal tender in the country in which it is issued, and a note or bill of exchange of the Bank of England or of any other person, body corporate or company carrying on the business of banking in any part of the world, and includes **"bank bills"**, **"bank post bill"**, **"blank bank note"**, "**blank bank bill of exchange**" and "**blank post bill"**;

"court" means a court of competent jurisdiction;

"dangerous harm" means harm endangering life;

"disciplined forces" means the armed and security forces;

"dwelling-house" includes any building or structure or part of a building or structure which is for the time being kept by the owner or occupier for the residence therein of himself or herself, his or her

family or servants or any of them, and it is immaterial that it is from time to time uninhabited; a building or structure adjacent to or occupied with a dwelling-house is deemed to be part of the dwelling-house if there is communication between the building or structure and the dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other, but not otherwise;

"felony" means an offence which is declared by law to be a felony or if not declared to be a misdemeanour, is punishable, without proof of previous conviction, with life imprisonment, or with imprisonment with hard labour for three years or more;

"grievous harm" means any harm which amounts to a maim or dangerous harm, or seriously or permanently injures health or which is likely to injure health, or which extends to permanent disfigurement, or to a permanent or serious injury to any external or internal organ, member or sense;

"harm" means any bodily hurt, disease or disorder whether permanent or temporary;

"Judicial Officers" means the Chief Justice, Justices of the Supreme Court, the President and Justices of the Court of Appeal, a Judge of the High Court, Magistrates, Chairman of the Cadi Appeals Panel and Cadis of the Cadi Appeals Panel, Cadis, President and Members of District Tribunals, Chairperson and Members of any tribunal as may be established by an act of the National Assembly;

"judicial proceeding" includes any proceeding had or taken in or before any court, tribunal, commission of inquiry or person in which evidence may be taken on oath, or in or before a District Tribunal, whether such tribunal takes evidence on oath or not;

"knowingly", used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used;

"local authority" means a local authority established under an Act;

"maim" means the destruction or permanent disabling of any external or internal organ, member or sense;

"Minister" means the Minister responsible for the administration of Justice;

"misdemeanour" means any offence which is not a felony;

"money" includes bank notes, bank drafts, cheques and any other orders, warrants or requests for the payment of money;

"night" or **"night-time"** means the interval between half-past seven o'clock in the evening and half-past six o'clock in the morning;

"oath" includes affirmation or declaration;

"offence" means an act, attempt or omission punishable by law;

"person" and **"owner"** and other like terms, when used with reference to property, include corporations of all kinds and any other association of persons capable of owning property, and also when so used include the President;

"person employed in the public service" means persons employed in the public service as defined under section 166 of the 1997 Constitution;

"police officer" includes a member of The Gambia Police Force and a Badge Messenger;

"possession" -

(a) **"be in possession of"** or **"have in possession"** includes not only having in one's own personal possession, but also knowingly having anything in the actual possession or custody of any other person, or having anything in any place (whether belonging to or occupied by oneself or not) for the use or benefit of oneself or of any other person, or

(b) if there are two or more persons and any one or more of them with the knowledge and consent of the rest has or have anything in his or her or their custody or possession, it shall be deemed and taken to be in the custody and possession of each and all of them;

"property" includes everything animate or inanimate capable of being the subject of ownership;

"public" refers, not only to all persons within The Gambia, but also to the persons inhabiting or using any particular place, or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct in respect to which such expression is used;

"public place" or **"public premises"** includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings or assembly or as an open court;

"public way" includes any highway, market place, square, street, bridge or other way which is lawfully used by the public;

"publicly", when applied to acts done, means either -

(a) that they are so done in any public place as to be seen by a person whether the person be or be not in a public place, or

(b) that they are so done in any place not being a public place as to be likely to be seen by any person in a public place;

"sexual act", means –

(a) the insertion (to even the slightest degree) of the penis of a person into the vagina or anus or mouth of a person,

(b) the insertion of any part of the body of an animal or of any object into the vagina or anus of another person, except where such insertion is consistent with sound medical practices, carried out for proper medical purposes, or

(c) cunnilingus or any form of genital stimulation;

"utter" means and includes using or dealing with and attempting to use or deal with and attempting to induce any person to use, deal with, or act upon the thing in question;

"valuable security" includes any document which is the property of a person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

"vehicle" includes a motor cycle and a bicycle;

"vessel" includes any ship, a boat and every other kind of vessel used in navigation either on the sea or in inland waters and includes aircraft;

"wound" means any incision or a puncture which divides or pierces any exterior membrane of the body, and a membrane is exterior for

the purpose of this definition which can be touched without dividing or piercing any other membrane; and

"written law" means the Constitution, any Act of Parliament of The Gambia, or any applied Act, and includes any orders, rules, regulations, by-laws or other subsidiary legislation made under any written law.

PART III – TERRITORIAL APPLICATION OF THIS ACT

4. Extent of jurisdiction of courts of The Gambia

(1) Subject to sub-sections (4), (5) and (6), the jurisdiction of the courts of The Gambia for the purpose of this Act extends to every place within The Gambia, including its territorial waters, and onboard aircraft and ships bearing the flag of The Gambia.

(2) When an act, which –

(a) if done within The Gambia, would be an offence against this Act; and

(b) is done by a person in the service of the Government of The Gambia or a statutory body beyond the territorial limits of The Gambia,

the person may be tried and punished under this Act in the same manner as if the act had been done within The Gambia.

(3) When an act which –

(a) if wholly done within the jurisdiction of the court, would be an offence against this Act, and

(b) is done partly within and partly beyond the jurisdiction,

every person who within the jurisdiction does or makes any part of the act may be tried and punished under this Act in the same manner as if the act had been done wholly within the jurisdiction.

(4) When an act which –

(a) is an offence both within The Gambia and where it was committed; and

(b) is done by a person outside The Gambia and who afterwards enters The Gambia,

he or she may by reason of such entry, be tried and punished under this Act in the same manner as if the act had been done in The Gambia.

(5) A person who, while out of The Gambia –

(a) procures another to do or omit to do an act which is an offence both in The Gambia and where he or she is resides; and

(b) afterwards comes into The Gambia,

he or she is by such coming into The Gambia, liable to be tried and punished, as if he or she had done the act or made the omission in The Gambia.

(6) A person who while out of The Gambia counselled or procured the commission of an offence which is actually committed in The Gambia, afterwards comes into The Gambia, is by such coming into The Gambia liable to be tried and punished, as if he or she had been in The Gambia when the offence was committed.

PART IV - GENERAL RULES AS TO CRIMINAL RESPONSIBILITY

5. Ignorance of law

Ignorance of the law does not afford any excuse for any act or omission which would otherwise constitute an offence unless knowledge of the law by the offender is expressly declared to be an element of the offence.

6. *Bona fide* claim of right

A person is not criminally responsible in respect of an offence relating to property, if the act done or omitted to be done by him or her with respect to the property was done in the exercise of an honest claim of right and without intention to defraud.

7. Intention and motive

(1) Subject to the express provisions of this Act relating to negligent acts and omissions, a person is not criminally responsible for an act or omission which occurs -

(a) independently of the exercise of his or her will; or

(b) for an event which occurs by accident.

(2) Unless the intention to cause a particular result is expressly declared to be an element of the offence constituted, in whole or part, by an act or omission, the result intended to be caused by an act or omission is immaterial.

(3) Unless otherwise expressly declared, the motive by which a person is induced to do or omit to do an act, or to form an intention, is immaterial so far as regards criminal responsibility.

8. Mistake of fact

(1) A person who does or omits to do an act under an honest and reasonable but mistaken belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.

(2) The operation of this section may be excluded by the express or implied provisions of the law relating to the subject.

9. Presumption of sound mind

Every person is presumed to be of sound mind, and to have been of sound mind at any time which comes in question, until the contrary is proved.

10. Persons of unsound mind

(1) A person is not criminally responsible for an act if at the time of the act the person, because of being of unsound mind, does not have the capacity to -

(a) understand what the person is doing;

(b) control the person's actions; or

(c) know that the person ought not do the act.

(2) A person whose mind, at the time of his doing or omitting to do an act, is affected by delusions on some specific matter or matters, but who is not otherwise entitled to the benefit of the sub-section (1), is criminally responsible for the act or omission to the same extent as if the real state of things had been such as he was induced by the delusion to believe to exist.

11. Intoxication

(1) Except as provided in this section, intoxication shall not constitute a defence to any criminal charge.

(2) Intoxication shall be a defence to a criminal charge if by reason thereof, the person charged at the time of the act or omission complained of, did not know that such act or omission was wrong or did not know what he or she was doing and the-

(a) state of intoxication was caused without his or her consent by the malicious or negligent act of another person; or

(b) person charged was by reason of intoxication, unsound mind, temporarily or otherwise, at the time of such act or omission.

(3) Where the defence under sub-section (2) is established in a case falling under paragraph (a) thereof, the accused person shall be discharged, and in a case falling under paragraph (b) thereof, the procedure outlined under section 178 of the Criminal Procedure Act with respect to an accused person found to be of unsound mind shall apply.

(4) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence.

(5) For the purpose of this section, "**intoxication**" shall be deemed to include a state induced by alcohol, narcotics or drugs.

12. Immature age

A person under the age of twelve years is not criminally responsible for any act or omission.

13. Immunity of Judicial officers

Except as expressly provided by this Act, a judicial officer is not criminally responsible for anything done or omitted to be done by him or her in the exercise of his or her judicial functions, although the act done is in excess of his or her judicial authority or although he or she is bound to do the act omitted to be done.

14. Compulsion

(1) A person is not criminally responsible for an act or omission if he or she does or omits to do the act under any of the following circumstances -

(a) in execution of the law;

(b) in obedience of the order of a competent authority which he or she is bound by law to obey, unless the order is manifestly unlawful;

(c) when the act is reasonably necessary in order to resist actual and unlawful violence threatened to him or her, or to another person in his or her presence;

(d) when he or she does or omits to do the act in order to save himself or herself from immediate death or grievous harm threatened to be inflicted on him or her by some person actually present and in a position to execute the threats, and believing himself or herself to be unable otherwise to escape the carrying of the threats into execution.

(2) The protection under sub-section (1) (d) does not extend to an act or omission which would constitute an offence punishable with life imprisonment, or an offence of which grievous harm to the person of another, or an intention to cause such harm, is an element, nor to a person who has by entering into an unlawful association or conspiracy rendered himself or herself liable to have such threats made to him or her.

(3) Whether an order is or is not manifestly unlawful under sub-section (1)(b), is a question of law.

15. Necessity

(1) An act or omission which would otherwise be an offence shall be excused if the person accused can show that -

(a) it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed would have inflicted on

him or her or on others whom he or she was bound to protect, inevitable and irreparable harm; and

(b) no more was done than was reasonably necessary for that purpose, and that the harm inflicted by the person was not disproportionate to the evil avoided.

(2) The defence shall not apply to a person -

(a) who knowingly and without reasonable excuse exposed himself or herself to the danger known or believed to exist; and the accused has the burden of proving that he or she had not so exposed himself or herself if the question arises; or

(b) charged with an offence punishable with imprisonment for life.

16. Use of force in effecting arrest

Where a person is charged with a criminal offence arising out of the arrest or attempted arrest, by him or her, of a person who forcibly resists the arrest or attempts to evade being arrested, the court shall, in considering whether the means used were necessary, or the degree of force used was reasonable, for the apprehension of the person, have regard to the -

(a) gravity of the offence which had been or was being committed by that person; and

(b) circumstances in which the offence had been or was being committed by the person.

17. Defence of person or property

Subject to any express provisions in this Act or any other law in operation, criminal responsibility for the use of force in the defence of person or property shall be determined according to the principles of English Common Law.

18. Compulsion by husband

A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife for an offence other than treason or murder, it shall be a good defence to

prove that the offence was committed in the presence of, and under the coercion of the husband.

19. Person not to be punished twice for same offence

A person shall not be punished twice either under the provisions of this Act or under the provisions of any other law for the same act or omission, except in the case where the act or omission causes the death of another person, in which case the person may be convicted for murder or manslaughter, notwithstanding that he or she has already been convicted of some other offence constituted by the act or omission.

PART V - DUTIES RELATING TO THE PRESERVATION OF LIFE AND HEALTH

20. Responsibility of person who has charge of another

A person having charge of another person who is unable-

(a) by reason of age, sickness, unsoundness of mind, detention or any other cause to withdraw himself or herself from such charge; and

(b) to provide himself or herself with the necessaries of life, whether the charge is undertaken under a contract, or imposed by law, or arises by reason of any act, whether lawful or unlawful, of the person who has such charge,

shall provide for that other person the necessaries of life; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of the other person by reason of any omission to perform that duty.

21. Duty of head of family

A person who, as head of a family, has charge of a child under the age of eighteen years, being a member of his or her household shall-

(a) provide the necessaries of life for the child; and

(b) be deemed to have caused any consequences which adversely affect the life or health of the child by reason of any omission to perform that duty, whether the child is helpless or not.

22. Duty of Principals

A person who as Principal has contracted to provide necessary food, clothing, or lodging for a servant or apprentice under the age of eighteen years, shall -

(a) provide the same; and

(b) be deemed to have caused any consequences which adversely affect the life or health of the servant or apprentice by reason of any omission to perform that duty.

23. Duty of persons doing dangerous acts

A person who, except in a case of necessity, undertakes to -

(a) administer surgical or medical treatment of any kind whether conventional or unconventional, herbal or traditional to any other person; or

(b) do any other lawful act which is or may be dangerous to human life or health,

shall have reasonable skill and to use reasonable care in doing the act; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of any person by reason of any omission to observe or perform that duty.

24. Duty of persons in charge of dangerous things

A person who -

(a) has in his or her charge or under his or her control a thing, whether animate or inanimate, and whether moving or stationary; and

(b) which is of such a nature that, in the absence of care or precaution in its use or management, the life, safety, or health of a person may be endangered,

shall use reasonable care and take reasonable precautions to avoid the danger; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of any person by reason of any omission to perform that duty.

25. Duty to do certain acts

A person who undertakes to do any act, the omission to do which is or may be dangerous to human life or health shall do that act; and he or she shall be deemed to have caused any consequences which adversely affect the life or health of any person by reason of any omission to observe or perform that act.

PART VI – PARTIES TO OFFENCES

26. Principal offenders

(1) When an offence is committed, each of the following persons is deemed to have taken part in committing the offence, and may be charged with actually committing it, that is to say -

(a) every person who actually does the act or makes the omission which constitutes the offence;

(b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) every person who aids or abets another person in committing the offence; and

(d) any person who counsels or procures any other person to commit the offence.

(2) In any case falling within sub-section (1)(d), he or she may be charged either with committing the offence or with counselling or procuring its commission.

(3) A conviction of counselling or procuring the commission of an offence entails the same consequences in all respects as a conviction of committing the offence.

(4) A person who procures another person to do or omit to do any act of such a nature that, if he or she had himself done the act or made the omission, the act or omission would have constituted an offence on his or her part, commits an offence of the same kind, and is liable to the same punishment, as if he or she had himself or herself done the act or made the omission.

27. Offences committed by joint offenders in prosecution of common purpose

When two or more persons form a common intention to prosecute an unlawful purpose in conjunction with one another, and in the prosecution of such purpose an offence is committed of such a nature that its commission was a probable consequence of the prosecution of such purpose, each of them is deemed to have committed the offence.

28. Counselling another to commit offence

(1) Where a person counsels another to commit an offence, and an offence is actually committed after the counsel by the person to whom it is given, it is immaterial whether the offence-

(a) actually committed is the same as that counselled or a different one; or

(b) is committed in the way counselled or in a different way,

if the facts constituting the offence actually committed are a probable consequence of carrying out the counsel.

(2) The person who gave the counsel under sub-section (1) is deemed to have committed the offence.

29. Accessories after the fact

(1) A person who receives or assists another who to his or her knowledge committed an offence, in order to enable him or her to escape punishment, is said to become an accessory after the fact to the offence.

(2) A wife does not become an accessory after the fact to an offence which her husband commits by receiving or assisting him in order to enable him to escape punishment, or by receiving or assisting, in her husband's presence and by his authority, another person who commits an offence in the commission of which her husband has taken part, in order to enable that other person to escape punishment.

(3) A husband does not become an accessory after the fact to an offence which his wife commits by receiving or assisting her in order to enable her to escape punishment.

(4) A person who becomes an accessory after the fact to a felony commits a felony, and is liable on conviction, if no other punishment is provided, to imprisonment for two years.

(5) A person who becomes an accessory after the fact to a misdemeanour commits a misdemeanour and is liable on conviction to imprisonment for one year.

30. Incitement

For the purposes of this Part, a person who incites the commission of any offence shall be deemed to counsel it.

31. Offences by corporations, societies, etc.

Where a body corporate commits an offence against this Act -

(a) it shall be liable to the penalties therefore so far as those penalties are capable of being imposed upon a body corporate; and

(b) any director, manager or officer of the body corporate who knowingly directs, authorises or suffers the commission of the offence by the body corporate shall, without affecting the liability of the body corporate therefore, be severally deemed to have committed the offence and liable to the penalty or punishment applicable thereto.

PART VII – PUNISHMENTS

32. Types of punishments

The following punishments may be imposed by a court -

(a) imprisonment;

(b) fine;

(c) payment of costs;

(d) payment of compensation;

(e) security to keep the peace and be of good behaviour, or to come up for judgment;

(f) forfeiture;

(g) community service, and

(h) any other punishment prescribed by this Act or any other enactment.

33. Sentencing guidelines

(1) The Chief Justice may make rules in respect of sentencing of convicted persons, in particular on the following matters -

(a) the fines, costs or compensations to be paid under this Act and periodic review of the same;

(b) regulation and management of non-custodial punishments provided under this Act.

(2) The rules made under sub-section (1) shall take into account the objectives of sentencing, including the principles of reformation and rehabilitation of offenders.

34. Imprisonment

(1) All imprisonment for an offence against this Act or against any other law may be with or without hard labour, in the discretion of the court, unless the imposition of imprisonment only without hard labour is expressly prescribed by law.

(2) Except as may be expressly provided by the law under which the offence concerned is punishable, a person liable to imprisonment for life or any other period may be sentenced for a shorter term.

(3) A person liable to imprisonment for an offence against this Act or against any other law may be sentenced to pay a fine in addition to or instead of imprisonment.

(4) Sentences of imprisonment shall take effect and run in the manner provided by the Criminal Procedure Act.

35. Fines, costs and compensation

(1) Where a fine is imposed under any law, in the absence of express provisions relating to the fine in such law, the following provisions shall apply-

(a) where no sum is expressed to which the fine may extend, the amount of the fine which may be imposed is unlimited, but shall not be excessive;

(b) in the case of an offence punishable with a fine or a term of imprisonment, the imposition of a fine or a term of imprisonment shall be a matter for the discretion of the court;

(c) a person liable to a fine of any amount may be sentenced to pay a fine of any lesser amount; or

(d) the court passing sentence may, in its discretion, direct by its sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which he or she may have been sentenced or to whom he or she may be liable under a commutation of sentence.

(2) In the case of an offence punishable with imprisonment as well as a fine in which the offender is sentenced to a fine with or without imprisonment, the court passing sentence may, in its discretion, direct by its sentence that in default of payment of the fine the offender shall suffer imprisonment for a certain term, which he or she may have been sentenced or to which he or she may be liable under a commutation of sentence.

(3) In addition to or in substitution for any other punishment, a court may -

(a) adjudge a person to pay costs or compensation in the manner provided by section 189 of the Criminal Procedure Act; and

(b) in default of payment of such costs or compensation or of distress therefore, as provided by law, order that the person in default shall suffer imprisonment for a certain time.

(4) Subject to section 259 of the Criminal Procedure Act, a court may issue a warrant for the levy by distress and sale of any amount due for a fine, costs or compensation on the immovable and movable property of the person ordered to pay the fine, costs or compensation.

(5) The term of imprisonment ordered by a court in respect of the non-payment of any sum of money adjudged to be paid by way of fine, costs or compensation or in respect of the default of a sufficient distress to satisfy the sum shall be such term as in the opinion of the court will satisfy the justice of the case, but shall not exceed in any case the maximum fixed by the following scale -

Amount Maximum **Period**

Not exceeding D5,000 .....7 days

Exceeding D5,000 but not exceeding D10,000 .....14 days

Exceeding D10,000 but not exceeding D100,000 …..1 month

Exceeding D100,000 but not exceeding D200,000 …….2 months

Exceeding D200,000 but not exceeding D400,000.....4 months

Exceeding D400,000 but not exceeding D600,0000.....9 months

Exceeding D600,000 but not exceeding D800,000.....1 year

.

Exceeding D800,000 but not exceeding D1,000,000.....2 years

Exceeding D1,000,000 …… above 2 years

(6) The imprisonment which is imposed in default of payment of a fine, costs or compensation shall terminate whenever the fine, costs or compensation is either paid or levied by process of law.

(7) If, before the expiration of a term of imprisonment imposed in default of payment of a fine, the person imprisoned, or some other person on his or her behalf, pays any sum in part satisfaction of the sum adjudged to be paid, the period of the imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days of the term of imprisonment so imposed as the sum so paid bears to the sum so adjudged to be paid.

(8) The officer in charge of a prison in which a person is confined who is desirous of taking advantage of the provisions of sub-section (7) shall, on an application made to him or her by that person, at once take him or her before a court, and the court shall certify the amount by which the period of imprisonment originally imposed is reduced by the payment in part satisfaction of the sum adjudged to be paid, and shall make such order as is required in the circumstances.

36. Security for keeping the peace and be of good behaviour or to come up for judgment

In the case of any offence not punishable with life imprisonment, a person may -

(a) instead of or in addition to, any other punishment to which he or she is liable and subject to any provisions of the Criminal Procedure Act, be ordered to enter into a recognisance with or without a surety, in such amount as the court thinks fit, conditioned that he or she shall keep

the peace and be of good behaviour for a time fixed by the court; or

(b) be ordered to appear to receive judgment or sentence at some future sitting of the court or when called upon.

37. Forfeiture

(1) If a person is convicted of an offence under any of the following sections, namely, sections 79, 80, 81, 95, 96 and 97, the court may, in addition to or in lieu of any penalty which may be imposed -

(a) order the forfeiture to the State of any property which has passed in connection with the commission of the offence and any property or sum so forfeited shall be dealt with in such manner as the Minister may direct; or

(b) if the property cannot be forfeited or cannot be found, order such sum to be paid as the court shall assess as the value of the property.

(2) The payment of a sum so ordered to be forfeited shall be dealt with in such manner as the Minister may direct.

(3) The payment of a sum so ordered to be forfeited may be enforced in the same manner and subject to the same incidents as in the case of the payment of a fine.

38. General punishment for misdemeanours

When in this Act no punishment is specifically provided for any misdemeanour, it shall be punishable on conviction with a fine or with imprisonment for a term not exceeding two years or with both the fine and imprisonment.

CHAPTER II – OFFENCES AGAINST PUBLIC ORDER

PART VIII – TREASON AND OTHER OFFENCES AGAINST THE SOVEREIGN STATE

39. Treason

A person who -

(a) prepares or endeavours to overthrow the Government by unlawful means;

(b) prepares or endeavours to procure by force any alteration of the law or the policies of Government;

(c) prepares or endeavours to carry out by force an enterprise which usurps the executive power of the State in any matter of both a public and a general nature;

(d) incites or assists or procures a person to invade The Gambia with an armed force or to subject any part of The Gambia to attack by land, sea or air or assists in the preparation of any such invasion or attack;

(e) in the time of war and with intent to give assistance to the enemy, does any act which is likely to give such assistance;

(f) causes or attempts to cause the death of a member of the Government or other citizen of The Gambia with a view to securing the overthrow of the Government or with intent to coerce any other citizen of The Gambia into opposing the Government or otherwise into withdrawing or withholding his or her support from the Government;

(g) by himself or herself or in concert with others, by any violent or other unlawful means, suspends or overthrows or abrogates the Constitution or any part of it, or attempts to do any such act; or

(h) conspires with any other person or persons to effect any of the purposes specified in paragraphs (a) to (g) of this section,

commits the offence of treason and is liable on conviction to imprisonment for life.

40. Concealment of treason

A person who knowing that any other person intends to commit treason, does not -

(a) give information thereof within all reasonable despatch to a Minister, a Magistrate, a police officer or a member of the Armed Forces; or

(b) use other reasonable endeavour to prevent the commission of the offence,

commits an offence and is liable on conviction to imprisonment for life.

41. Spying

(1) A person who, for any purpose prejudicial to the safety or interest of The Gambia -

(a) makes any document which is intended to be or may be directly or indirectly useful to an enemy; or

(c) obtains, collects photographs, records, publishes or communicates to any other person any information or document of a confidential nature which is intended to be, or may be directly or indirectly useful to an enemy,

commits an offence and is liable on conviction to imprisonment for a minimum term of thirty years and maximum term of life.

(2) For the purposes of this section -

"document" includes any sketch, plan, photograph, model, article or note; and

"information" includes any secret official act word or password.

42. Corroboration

A person charged under section 39, 40 or 41 shall not be convicted on the uncorroborated testimony of one witness.

43. Consent of the Attorney General required

A person shall not be prosecuted for an offence under section 39, 40, or 41 without the consent of the Attorney General.

44. Inciting mutiny

A person who attempts to -

(a) seduce any person serving in the armed forces or any member of the police force from his or her duty and allegiance to the State,

(b) incite any such person to commit an act of mutiny or any traitorous or mutinous act, or

(c) incite any such persons to make or endeavour to make a mutinous assembly,

commits an offence and is liable on conviction to imprisonment for life.

45. Inciting to sedition or to disobedience of lawful order

A person who incites a member of the armed forces or the police force to sedition or to disobedience to any lawful order by a superior officer, commits an offence and is liable on conviction to imprisonment for five years.

46. Inducing members of the armed forces or policemen to desert

A person who by any means whatsoever, directly or indirectly procures or persuades or attempts to procure or persuade any member of the armed forces or the police force to desert, commits an offence and is liable on conviction to imprisonment for not less than two years and not more than five years.

47. Aiding prisoners of war to escape

(1) A person who knowingly aids an alien enemy of The Gambia, whether the person is confined in a prison or elsewhere, or is at large on his or her parole, to escape from his or her prison or place of confinement, or, if he or she is at large on his or her parole, to escape from The Gambia, commits an offence and is liable on conviction to imprisonment for life.

(2) A person who negligently and unlawfully permits the escape of any such person as is mentioned in sub-section (1) commits an offence and is liable on conviction to imprisonment for three years.

48. Interpretation

(1) For the purposes of sections 49 to 52 -

"import" includes-

(a) to bring into The Gambia; or

(b) to bring within the inland waters of The Gambia whether or not the publication is brought ashore, and whether or not there is an intention to bring the publication ashore;

"periodical publication" includes every publication issued periodically or in parts or numbers at intervals whether regular or irregular;

"publication" includes -

(a) all written and printed matter,

(b) any gramophone or other record, perforated roll, tape, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and

(c) everything whether of a nature similar to the foregoing or not, containing any visible representing or conveying words or ideas, and every copy and reproduction of any publication so defined;

"seditious publication" means a publication having a seditious intention;

"seditious words" means words having a seditious intention.

(2) A **"seditious intention"** is an intention -

(a) to bring into hatred or contempt or to excite disaffection against the person of the President, or the Government of The Gambia as by law established;

(b) to excite the inhabitants of The Gambia to attempt to procure the alteration, otherwise than by lawful means, of any matter in The Gambia as by law established;

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in The Gambia;

(d) to raise discontent or disaffection amongst the inhabitants of The Gambia; or

(e) to promote feelings of ill-will and hostility between different classes of the population of The Gambia,

but an act, speech or publication is not seditious only by reason that it intends -

(i) to show that the President has been misled or mistaken in any of his or her measures,

(ii) to point out errors or defects in the Government or constitution of The Gambia as by law established or in legislation or in the administration of justice with a view to remedying the errors or defects,

(iii) to persuade the inhabitants of The Gambia to attempt to procure by lawful means the alteration of any matter in The Gambia as by law established, or

(iv) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of The Gambia.

(3) In determining whether the intention with which an act was done, words were spoken, or a document was published, was or was not seditious, every person shall be deemed to intend the consequences which would naturally follow from his or her conduct at the time and under the circumstances in which he or she so conducted himself or herself.

49. Power to prohibit publications

(1) Where the Minister, on reasonable grounds, considers that it is necessary in the interest of public order, health, morals or security and to be reasonably justifiable in a democratic society, he or she may by order published in the *Gazette*, prohibit the importation of any publication.

(2) If the President on reasonable grounds, considers that it is necessary in the interest of public order, health, morals or security that the importation of publications published by any company, institution, firm or person of whatsoever kind or in or emanating from any country or place would be contrary to the public interest, he or she may by Order published in the *Gazette* prohibit the importation generally of any or all such publications:

(3) The President may at any time by the same or a subsequent Order, provide generally or specially for the exclusion from the provisions of the Order of any particular publication or publications, on the

application of a person resident in The Gambia, and for any conditions appropriate to the exclusion and for any matters connected therewith or relating thereto.

50. Punishments relating to prohibited publications

(1) A person who imports, publishes, sells, offers for sale, distributes or reproduces any publication, the importation of which has been prohibited under section 49, or any extract from the publication, commits an offence and is liable on conviction -

(a) for a first offence, to a fine not exceeding fifty thousand dalasis or to imprisonment not exceeding one year or to both fine and imprisonment; and

(b) for a subsequent offence, to imprisonment for two years; and the publication or extract therefrom shall be forfeited to the State.

(2) A person who without lawful excuse has in his or her possession any publication the importation of which has been prohibited under section 49, or any extract therefrom, commits an offence and is liable on conviction -

(a) for a first offence to a fine not exceeding five hundred dalasis or to imprisonment; and

(b) for a subsequent offence to imprisonment not exceeding two years, and the publication or extract therefrom shall be forfeited to the State.

(3) In any proceedings taken under the provisions of this section, a certificate signed under the hand of the Minister to the effect that any publication which is the subject of any charge in the proceedings was published by a company, institution, firm or person, or in, or emanated from any country or place, shall on the bare production thereof by the Prosecutor be prima facie proof as to the facts certified.

51. Delivery of prohibited publication to police station or administrative officer

(1) A person to whom any publication the importation of which has been prohibited under section 49, or any extract therefrom, is sent -

(a) without his or her knowledge or privity,

(b) in response to a request made before the prohibition of the importation of such publication came into effect, and

(c) who has such a publication or extract therefrom in his or her possession at the time when the prohibition of its importation comes into effect,

shall forthwith if or as soon as the nature of its contents have become known to him or her, or the coming into effect of the Order prohibiting the importation of the publication, deliver such publication or extract therefrom to the officer in charge of the nearest police station or an administrative officer.

(2) A person who fails to comply with sub-section (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis or to imprisonment not exceeding one year or to both the fine and imprisonment, and the publication or extract therefrom shall be forfeited to the State.

(3) A person who complies with the provisions of sub-section (1) or is convicted of an offence under that sub-section shall not be liable to be convicted for having imported or having in his or her possession the same publication or extract therefrom.

52. Power to examine packages

(1) The Managing Director of The Gambia Postal Services Corporation, an officer of the Corporation nominated in writing by the Inspector-General of Police for the purpose or a superior police officer as defined in the Police Act may -

(a) detain, open and examine any package or article which he or she suspects to contain any publication or extract therefrom which it is an offence under the provisions of section 50 to import, publish, sell, offer for sale, distribute, reproduce or possess, and

(b) during the examination, may detain any person importing, distributing or, posting the package or article or in whose possession the package or article is found.

(2) If a publication or an extract therefrom is found in the package or article, the -

(a) whole package or article may be impounded and retained by the officer; and

(b) person importing, distributing, or posting it, or in whose possession it is found, may be arrested and proceeded against for the commission of an offence under section 50 or 51.

53. Unlawful oaths to commit capital offences

A person who –

(a) administers, or is present at and consents to the administering of, any oath, or engagement in the nature of an oath, purporting to bind the person who takes it to commit a capital offence; or

(b) takes any such oath or engagement, without being compelled to do so,

commits a felony and is liable on conviction to imprisonment for life.

54. Other unlawful oaths to commit offences

A person who -

(a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways, that is to say-

(i) to engage in a mutinous or seditious enterprise,

(ii) to commit an offence not punishable with life imprisonment,

(iii) to disturb the public peace,

(iv) to be of any association, society or confederacy, formed for the purpose of doing any such act as aforesaid,

(v) to obey the order or commands of a committee or body of persons not lawfully constituted, or of a leader or commander or other person not having authority by law for that purpose,

(vi) not to inform or give evidence against an associate confederate or other person,

(vii) not to reveal or discover an unlawful association, society or confederacy, or an illegal act done or to be done, or an illegal oath or engagement that may have been administered or tendered to or taken by himself or herself or any other person, or the import of the oath or engagement; or

(b) takes an oath or engagement, not being compelled to do so,

commits a felony, and is liable on conviction to imprisonment for not less than three years and not more than five years.

55. Defence of compulsion

A person who takes the oath or engagement as is mentioned in sections 53 and 54 cannot set up as a defence that he or she was compelled to do so, unless -

(a) within fourteen days after taking it, he or she discloses it,

(b) if he or she is prevented by actual force or sickness, within fourteen days after the termination of such prevention, he or she declares by information on oath before a Magistrate, or

(c) if he or she is on actual service in the Armed Forces of The Gambia or in the Police Force, either by such information or by information to his or her Commanding Officer,

the whole of what he or she knows concerning the matter, including the person or persons by whom and in whose presence, and the place where and the time when, the oath or engagement was administered or taken.

56. Unlawful drilling

(1) A person who -

(a) without the permission of the Minister trains or drills any other person to the use of arms or the practice of military exercises, movements or evolutions; or

(b) is present at any meeting or assembly of persons, held without the permission of the Minister, for the purpose of

training or drilling any other persons to the use of arms of the practice of military exercises, movements or evolutions,

commits a felony and is liable on conviction to imprisonment for seven years.

(2) The Minister in granting the permission referred to under subsection (1), shall consult the Minister responsible for Defence.

(3) A person who, at any meeting or assembly held without the permission of the Minister, is trained or drilled on the use of arms, or the practice of military exercises, movements or evolutions, or who is present at the meeting or assembly for the purpose of being so trained or drilled, commits a misdemeanour.

57. Wrongfully inducing a designated boycott

(1) Whenever the President is satisfied that a boycott is being conducted or is threatened or is likely to be conducted in The Gambia with the intention or effect of -

(a) bringing the economic life of The Gambia into jeopardy; or

(b) raising discontent or disaffection amongst the people of The Gambia or engendering feelings or ill-will or hostility between persons of different classes or religions or of different races or tribes in The Gambia,

and he or she is satisfied that the boycott is resulting, or is likely to result, in acts leading to violence or intimidation or the destruction of or damage to property or trade, he or she may, by notification published in the *Gazette,* designate that boycott for the purposes of this section.

(2) On the publication of a notification under the provisions of sub-section (1), the following actions or any of them done in relation to a designated boycott shall be deemed to be done in furtherance of the boycott abstaining from -

(a) buying goods from or selling goods to a person or class of persons;

(b) buying or selling any goods or class of goods;

(c) entering or approaching or dealing at any premises at which a person or class or persons carries on trade or business;

(d) dealing with a person or class of persons in the course of his or her trade or business;

(e) using or providing a service or class of services;

(f) working for or employing a person or class of persons; or

(g) doing any other act which may lawfully be done.

(3) The President may in designating a boycott, by the same or any subsequent notification, specify in relation to the boycott any action additional to those specified in sub-section (2) which he or she is satisfied is likely to further that boycott.

(4) A person who with intent to further a designated boycott by -

(a) word of mouth; or

(b) making a publication advises, induces or persuades or attempts to persuade a person or class of persons to take any action deemed or specified to be in furtherance of that boycott,

commits an offence for which he or she may be arrested by a police officer without warrant and is liable on conviction to imprisonment for six months.

(5) For the purpose of this section, in determining whether any words were spoken or any publication was made with intent to further a designated boycott, every person shall, unless the contrary be proved, be deemed to intend the consequences which would naturally follow from his or her conduct at the time and in the circumstances in which he or she so conducted himself or herself.

(6) Nothing in this section shall be construed so as to make unlawful any action lawfully taken by a party to a trade dispute as defined in the Labour Act, in contemplation or in furtherance of that dispute.

(7) Where a person is charged before a court with an offence under this section, no further proceedings in respect thereof shall be taken against him or her without the consent of the Attorney General, except such as the court may think necessary by remand (whether in custody

or on bail) or otherwise, to secure the due appearance of the person charged.

(8) If that person is remanded in custody, he or she shall, after the expiration of ten days from the date on which he or she was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Attorney General has consented to the further proceedings as aforesaid.

(9) For the purposes of this section -

"local authority" includes Banjul City Council, District Authority, a Seyfo appointed pursuant to the provisions of the Local Government Act, and any other body specified as such in the *Gazette* for the purposes of this section by the President;

"publication" includes -

(a) all written and printed matter,

(b) any gramophone or other record, cinematograph film or other contrivance by means of which any words or ideas may be mechanically produced, represented or conveyed, and

(c) everything whether of a nature similar to the foregoing or not, containing any visible representation or by its form, shape, or in any manner capable of producing, representing or conveying words or ideas, and every copy and reproduction of any publication so defined.

(10) For the purpose of this section, a person shall be deemed to make a publication if he or she prints, publishes, sells, distributes, reproduces or offers it for sale.

58. Incitement to violence and hate speech

(1) A person, who, without lawful excuse, prints, publishes or to any assembly, makes any statement indicating or implying that it would be incumbent or desirable to do any acts calculated to -

(a) bring death or physical injury to a person or to any class or community of persons; or

(b) lead to destruction or damage to any property,

commits an offence for which he or she may be arrested by a police officer without warrant and is liable on conviction to imprisonment for three years.

(2) A person who -

(a) utters, prints, or publishes through radio, television, computer system or network, at a public place or rally or in some other way publicly incites to or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent, colour, gender, disability or any other characteristics,

(b) promotes feelings of ill -will and hostility between different classes of the population, and

(c) before the public at large incites hatred against any national, ethnic, racial or religious group,

commits an offence and is liable on conviction to imprisonment of not less than three years and not more than five years.

(3) Where a person is charged before a court with an offence under this section, no further proceedings in respect of the offence shall be taken against him or her without the consent of the Attorney General, except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person charged.

(4) If that person is remanded in custody, he or she shall, after the expiration of ten days from the date on which he or she was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Attorney General has consented to the further proceedings as aforesaid.

(5) For the purpose of this section, an **"assembly"** means a physical or virtual gathering of three or more persons.

59. Watching and besetting

(1) A person who watches or besets -

(a) a premises or approaches the premises with a view to preventing any other person from doing any act which that other person has a legal right to do at the premises; or

(b) the house or other place where any other person resides or works or carries on business, or happens to be, or the approaches to the house or place with a view to preventing that other person from doing or compelling him or her to do any act which that other person has a legal right to do or abstain from doing,

commits an offence and is liable on conviction to a fine not exceeding one hundred thousand dalasis or to imprisonment for one year or to both the fine and imprisonment.

(2) The provisions of this section shall not apply to any watching or besetting which is lawful under the provisions of any law relating to trade unions or trade disputes.

(3) Where a person is charged before any court with an offence under this section, no further proceedings in respect thereof shall be taken against him or her without the consent of the Attorney General, except such as the court may think necessary by remand (whether in custody or on bail) or otherwise to secure the due appearance of the person so charged.

(4) If that person is remanded in custody, he or she shall, after the expiration of a period of ten days from the date on which he or she was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Attorney General has consented to the further proceedings as aforesaid.

PART IX - OFFENCES AFFECTING RELATIONS WITH FOREIGN STATES

60. Subversion against foreign State

(1) A person who, in relation to any friendly foreign state -

(a) prepares or endeavours to overthrow the Government by unlawful means;

(b) prepares or endeavours to procure by force any alteration of the laws or the policies of Government;

(c) prepares or endeavours to carry out by force an enterprise which usurps the executive power of the State in any matter of both a public and a general nature;

(d) incites, assists or procures a person to invade the State with an armed force or unlawfully to subject any part of the State to attack by land, sea or air or assists in the preparation of the invasion or attack;

(e) causes or attempt to cause the death of a member of the Government or other citizen of the State with a view to securing the overthrow of the Government or with intent to coerce any other citizen of the State into opposing the Government or otherwise into withdrawing or withholding his or her support from the Government; or

(f) conspires with any other person or persons to effect any of the purposes specified in paragraphs (a) to (e) of this section,

commits an offence and is liable on conviction to imprisonment for ten years.

(2) A person shall not be prosecuted for an offence under this section without the written consent of the Attorney General.

61. Piracy and related offences

(1) A person commits an act of piracy if, being the owner or master of a ship, he or she sails the ship in the seas without authorisation from the government of any country with the object of committing pillage upon property or acts of violence against persons or if, from or by means of the ship, he or she commits any such act of pillage or violence.

(2) A person commits an act of piracy if, being a member of the crew or a passenger of a ship, he or she conspires with any other person to rise against its master and officers or to seize the ship or if, in common with any other person, he or she engages in any act of hostility against the ship's master and officers.

(3) A master or seaman commits an act of piracy if he or she runs away with the ship or goods being carried on the ship or yields them up voluntarily to any person contrary to his or her duty, or conspires or combines with or attempts to corrupt any master, officer or seaman to yield up or run away with any ship or goods or makes or endeavours to make a revolt in the ship.

(4) A person belonging to a ship commits an act of piracy if, upon meeting a ship at sea or in any port, harbour or haven, he or she forcibly boards or enters the ship and, though he or she does not seize

or carry off the ship, throws overboard or destroys any part of the goods being carried on the ship.

(5) A person who commits an act of piracy is liable upon conviction to imprisonment for fourteen years.

(6) A person who, with intent to commit or at the time of or immediately before or immediately after committing the crime of piracy in respect of any ship or vessel –

(a) assaults, with intent to murder, any person being on board of or belonging to such ship or vessel,

(b) stabs, cuts, or wounds any such person, or

(c) unlawfully does any act by which the life of such person may be endangered,

commits an offence and is liable upon conviction to imprisonment for fourteen years.

(7) In this section, piracy consists of any of the following acts -

(a) any illegal act of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed -

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft, or

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State,

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft; and

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

PART X – UNLAWFUL ASSEMBLIES, RIOTS AND OTHER OFFENCES AGAINST PUBLIC TRANQUILITY

62. Definition of unlawful assembly

(1) An unlawful assembly is deemed to occur where three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in a manner that cause persons in a neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace.

(2) It is immaterial that the original assembling was lawful if, after being assembled, they conduct themselves with a common purpose in the manner stated in sub-section (1).

(3) When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

63. Punishment of unlawful assembly

A person who takes part in an unlawful assembly commits a misdemeanour, and is liable on conviction to imprisonment without hard labour for one year.

64. Punishment of riot

A person who takes part in a riot commits a felony.

65. Making proclamation for rioters to disperse

A Magistrate or in his or her absence, a commissioned officer of The Gambia police force, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his or her view, may make or cause to be made a proclamation, in the name of the State, in such form as he or she thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

66. Dispersal of rioters after proclamation made

If on the expiration of a reasonable time after such proclamation is made, or after the making of the proclamation has been prevented by force, twelve or more persons continue to be riotously assembled together, any person authorised to make proclamation, or any police

officer or any other person acting in aid of the person or police officer, may -

(a) do all things reasonably necessary for dispersing the persons so continuously assembled and for apprehending them or any of them; and

(b) if any person makes resistance, use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

67. Rioting after proclamation

If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of the proclamation, takes or continues to take part in the riot or assembly, commits a felony and is liable on conviction to imprisonment for three years.

68. Preventing or obstructing the making of proclamation

A person who forcibly prevents or obstructs the making of a proclamation as is mentioned in section 65, commits a felony and is liable on conviction to imprisonment for seven years, and, if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, is liable on conviction to imprisonment for not more than five years.

69. Rioters demolishing buildings, etc.

Persons who, being riotously assembled, unlawfully pull down or destroy, or begin to pull down or destroy any building, machinery or structures commit a felony, and each of them is liable to imprisonment for a period not exceeding ten years.

70. Rioters injuring buildings, machinery, etc.

Persons who, being riotously assembled, unlawfully damage any of the things mentioned in section 69 commit a felony, and each of them is liable on conviction to imprisonment for a term not exceeding five years.

71. Rioters interfering with vehicle or vessel

(1) A person who, being riotously assembled, unlawfully and with force prevent, hinder, or obstruct the -

(a) loading or unloading of a vehicle or vessel;

(b) starting or transit of a vehicle; or

(c) sailing or navigation of a vessel,

commits a misdemeanour.

(2) A person who unlawfully and with force, boards a vehicle or vessel with intention of being riotous, commits a misdemeanour.

72. Going armed in public

A person who goes armed in public without lawful occasion in a manner that causes terror to any person commits a misdemeanour and his or her arms shall be forfeited.

73. Forcible entry

(1) A person who, in order to take possession thereof, enters on any land or tenement in a violent manner, whether the violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, commits the misdemeanour termed "**forcible entry**".

(2) It is immaterial whether the person is entitled to enter on the land or not, provided that a person who enters on lands or tenements of his or her own, but which are in the custody of his or her servant or bailiff, does not commit the offence of forcible entry.

74. Forcible detainer

A person who, being in actual possession of land without claim of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land commits the misdemeanour termed "**forcible detainer".**

75. Affray

A person, who takes part in a fight in a public place, commits a misdemeanour and is liable on conviction to imprisonment for six months.

76. Challenge to fight a duel

A person, who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, commits a misdemeanour.

77. Threatening violence

A person who, with intent to -

(a) intimidate or annoy any person, threatens to injure, assault, shoot or kill any person, or to burn, break or injure any property; or

(b) alarm any person, discharges a firearm or commits any other breach of the peace,

commits an offence and is liable on conviction to imprisonment for three years.

78. Assembling for the purpose of smuggling

Two or more persons who assemble for the purpose of unshipping, carrying or concealing any goods subject to customs duty and liable to forfeiture under any law relating to customs, commit a misdemeanour and each of them is liable on conviction to a fine of one hundred thousand dalasis or to imprisonment for one year.

CHAPTER III – OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY

PART XI – ABUSE OF OFFICE

79. Official corruption

A person who –

(a) being employed in the public service, and being charged with the performance of any duty by virtue of such employment, corruptly solicits, receives or obtains, agrees or attempts to receive or obtain, any property or benefit of any kind for himself or herself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him or her in the discharge of the duties of his or her office; or

(b) corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure, or attempt to procure, or to, upon, or for any person employed in the public service, or to, upon, or for any other person, any property or benefit of any kind on account of the act or omission on the part of the person so employed,

commits a felony, and is liable on conviction to a fine of three hundred thousand or imprisonment for seven years or to both.

80. Public officers accepting bribe

A person who, being employed in the public service, takes or accepts from any person for the performance of his or her duty as such officer, a reward outside his or her proper pay and emoluments, or any promise of such reward, commits an offence and is liable on conviction to a fine not exceeding three hundred thousand dalasis or imprisonment not exceeding seven years or both.

81. Public officers receiving property to show favour

A person who, being employed in the public service, receives any property or benefit of any kind for himself or herself, on the understanding, express or implied, that he or she shall favour the person interested in a transaction then pending, or likely to take place, between the person giving the property or conferring the benefit, or any one in whom he or she is interested commits an offence and is liable on conviction to a fine of one hundred thousand dalasis or to imprisonment for three years or to both.

82. False claims by officials

A person who, being employed in the public service in such a capacity as to require him or her to furnish returns or statements touching any sum payable or claimed to be payable to himself or herself or to any other person, or touching any other matter required of goods to be made to a person, makes a return or statement touching the matter which is, to his or her knowledge, false in any material particular, commits an offence and is liable on conviction to a fine of two hundred thousand dalasis or imprisonment for five years or to both.

83. Abuse of office

(1) A person who, being employed in the public service, does or directs to be done, in abuse of the authority of his or her office, any

arbitrary act prejudicial to the rights of another, commits a misdemeanour.

(2) If the act is done or directed to be done for purposes of gain, he or she commits a felony, and is liable on conviction to a fine of three hundred thousand dalasis or imprisonment for seven years or both.

(3) A prosecution for an offence under this section, or section 81 or section 82 of this Act shall not be instituted except by or with the sanction of the Attorney General.

84. False certificates by public officers

A person who, being authorised by law to give any certificate touching a matter by virtue whereof the rights of a person may be prejudicially affected, gives a certificate which is, to his or her knowledge, false in any material particular, commits a misdemeanour.

85. False assumption of authority

A person who -

(a) not being a judicial officer, assumes to act as a judicial officer;

(b) without authority assumes to act as a person having authority by law to administer an oath or take a solemn declaration or affirmation or affidavit or to do any other act of a public nature which can only be done by persons authorised by law to do so; or

(c) represents himself or herself to be a person authorised by law to sign a document testifying to the contents of any register or record kept by lawful authority, or testifying to any fact or event, and signs such document as being so authorised, when he or she is not, and knows that he or she is not, in fact, so authorised,

commits a felony.

86. Personating public servant

A person who -

(a) personates any person employed in the public service on an occasion when the latter is required to do any act or

attend in any place by virtue of his or her employment; or

(b) falsely represents himself or herself to be a person employed in the public service, and assumes to do any act or to attend in any place for the purpose of doing any act by virtue of such employment,

commits a felony, and is liable on conviction to imprisonment for three years.

87. Threat of injury to public servant

A person who holds out any threat of injury to a person employed in the public service, or to any person in whom he or she believes the person employed in the public service to be interested, for the purpose of inducing the last-named person to do any act, or to forbear or delay to do any act, connected with the exercise of his or her public functions, commits a felony.

PART XII – OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

88. Perjury and subornation of perjury

(1) A person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in the proceedings or intended to be raised in the proceeding, commits the misdemeanour termed **'perjury'.**

(2) It is immaterial whether the testimony is given on oath or under any other sanction authorised by law.

(3) The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he or she assent to the forms and ceremonies actually used.

(4) It is immaterial whether the false testimony is given orally or in writing.

(5) It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

(6) The question whether a statement on which perjury is assigned was material to a question then pending in a proceeding or intended

to be raised in a proceeding is a question of law to be determined by the court of trial.

(7) A person who aids, abets, counsels, procures or suborns another person to commit perjury commits the misdemeanour termed '**subornation of perjury'**.

(8) A person who commits perjury or suborns perjury is liable on conviction to imprisonment for seven years.

(9) Notwithstanding anything in this or any other law contained, where perjury is committed by a person in open court, the court may forthwith, or at or after the conclusion of the proceedings in which the perjury is committed, summarily convict and sentence such witness to a fine of one hundred thousand dalasis or to imprisonment for one year.

89. False statements by interpreters

A person who is lawfully sworn as an interpreter in any judicial proceedings wilfully makes a statement material in the proceedings, which he or she knows to be false, or does not believe to be true commits perjury.

90. Evidence on charge of perjury

A person cannot be convicted of committing perjury or of subornation of perjury solely on the uncorroborated evidence of one witness as to the falsity of any statement alleged to be false.

91. Fabricating evidence

A person who, with intent to mislead any tribunal in any judicial proceedings -

(a) fabricates evidence by any means other than perjury or subornation of perjury; or

(b) knowingly makes use of such fabricated evidence,

commits a misdemeanour, and is liable on conviction to imprisonment for seven years.

92. False swearing

A person who swears falsely or makes a false affirmation or declaration before any person authorised to administer an oath or take

a declaration on a matter of public concern under such circumstances that the false swearing or declaration if committed in a judicial proceeding would have amounted to perjury, commits a misdemeanour.

93. Deceiving witnesses

A person who practices fraud or deceit on, or knowingly makes or exhibits any false statement, representation, token or writing to a person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of that person as a witness, commits a misdemeanour.

94. Destroying evidence

A person who, knowing that any article, book, document or other thing of any kind is or may be required in evidence in a judicial proceeding, wilfully removes, conceals or destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, commits a misdemeanour.

95. Conspiracy to defeat justice and interference with witnesses

A person who -

(a) conspires with any other person to accuse any person falsely of a crime or to do anything to obstruct, prevent, pervert or defeat the course of justice;

(b) in order to obstruct the due course of justice, dissuades, hinders or prevents a person lawfully bound to appear and give evidence as a witness from so appearing and giving evidence, or endeavours to do so; or

(c) obstructs or in any way interferes with or knowingly prevents the execution of any legal process, civil or criminal,

commits a misdemeanour.

96. Compounding felonies

A person who asks, receives or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or herself or any other person on any agreement or understanding that he or she will compound or conceal a felony, or will abstain from,

discontinue or delay a prosecution for a felony, or will withhold any evidence thereof, commits a misdemeanour.

97. Compounding penal actions

A person who, having brought, or under pretence of bringing an action against another person under any penal legislation in order to obtain from him or her a penalty for any offence committed or alleged to have been committed by him or her, compounds the action without the order or consent of the court in which the action is brought or is to be brought, commits a misdemeanour.

98. Advertisements for stolen or lost property

A person who -

(a) publicly offers a reward for the return of any property which has been stolen or lost, and in the offer makes use of any words purporting that no questions will be asked, or that the person producing such property will not be seized;

(b) publicly offers to return to a person who may have bought or advanced money by way of loan on any stolen or lost property the money so paid or advanced, or any other sum of money or reward for the return of such property, or

(c) prints or publishes any such offer,

commits a misdemeanour.

99. Offences relating to judicial proceedings

(1) A person who -

(a) within the premises in which any judicial proceeding is being had or taken, or within the precincts of the same, shows disrespect, in speech or manner, to or with reference to such proceeding, or any person before whom such proceeding is being had or taken;

(b) having been called on to give evidence in any judicial proceedings, fails to attend, or having attended refuses to be sworn or to make an affirmation, or, having been sworn or affirmed, refuses without lawful excuse to answer a question or to produce a document, or remains

in the room in which such proceeding is being had or taken, after the witnesses have been ordered to leave such room;

(c) causes an obstruction or disturbance in the course of any judicial proceedings;

(d) while judicial proceedings are pending, makes use of any speech or writing misrepresenting such proceeding or capable of prejudicing any person in favour of or against any parties to such proceedings are being had or taken;

(e) publishes a report of the evidence taken in any judicial proceedings which has been directed to be held in private;

(f) attempts wrongfully to interfere with or influence a witness in any judicial proceedings, either before or after he or she has given evidence, in connection with such evidence;

(g) dismisses a servant because he or she has given evidence on behalf of a certain party to any judicial proceedings;

(h) wrongfully retakes possession of land from a person who has recently obtained possession by a writ of court; or

(i) commits any other act of intentional disrespect to any judicial proceedings, or to any person before whom such proceedings are being had or taken,

commits an offence and is liable on conviction to imprisonment for three months.

(2) Notwithstanding anything in this or any other law contained, where any of the offences set out in paragraph (a), (b), (c), (d), (f) or (i) of sub-section (1) is committed in the face of a court, it may forthwith, or at or after the conclusion of the proceedings in which the offence is committed, summarily convict and sentence the offender to a fine of ten thousand dalasis or imprisonment for one month.

(3) The provisions of this section shall be deemed to be in addition to and not in derogation from the power of the High Court to punish for contempt of court.

PART XIII – RESCUES AND ESCAPES AND OBSTRUCTING OFFICERS OF COURT OF LAW

100. Unlawful rescue

(1) A person, who by force rescues or attempts to rescue from lawful custody any other person -

(a) if such last-named person is under sentence of imprisonment for life, or charged with an offence punishable with imprisonment for life, commits a felony and is liable on conviction to imprisonment for life;

(b) if such other person is imprisoned on a charge or under sentence for any offence other than those specified above, commits a felony and is liable on conviction to imprisonment for seven years; and

(c) in any other case, commits a misdemeanour.

(2) If the person rescued is in the custody of a private person, the offender must have notice of the fact that the person rescued is in such custody.

101. Escape from lawful custody

A person who, being in lawful custody, escapes from that custody commits a misdemeanour.

102. Aiding prisoners to escape

A person who -

(a) aids a prisoner in escaping or attempting to escape from lawful custody;

(b) wilfully or negligently permits a person within his or her lawful custody to escape; or

(c) conveys anything or causes anything to be conveyed into a prison with intent to facilitate the escape of a prisoner,

commits a felony, and is liable on conviction to imprisonment for three years.

103. Removal, etc., of property under lawful seizure

A person who, when any property has been attached or taken under the process of the authority of any court, knowingly, and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals or disposes of that property, commits a felony, and is liable on conviction to imprisonment for three years.

104. Obstructing court officers

A person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of a court, commits a misdemeanour and is liable on conviction to imprisonment for one year.

PART XIV – MISCELLANEOUS OFFENCES AGAINST PUBLIC AUTHORITY

105. Frauds and breaches of trust by persons employed in the public service

A person employed in the public service who, in the discharge of the duties of his or her office, commits any fraud or breach of trust affecting the public, whether the fraud or breach of trust would have been criminal or not if committed against a private person, commits a misdemeanour.

106. Neglect of official duty

A person employed in the public service who wilfully neglects to perform a duty which he or she is bound either by common law or statute to perform, provided that the discharge of the duty is not attended with greater danger than a person of ordinary courage might be expected to face, commits a misdemeanour.

107. Giving false information, and parental insult to public officers

(1) A person who gives a public officer an information which he or she knows or believes to be false, intending thereby to cause or knowing it to be likely that he or she will thereby cause such public officer to use the lawful power of such public officer to the injury, prejudice or annoyance of any person commits a misdemeanour.

(2) A person who directs parental insult to the President, Vice President, a Minister, a member of the National Assembly, a civil servant or any other public officer in the exercise of his or her functions, shall be held liable on summary conviction to a fine of not less than ten thousand dalasis and not more than fifty thousand

dalasis or a term of imprisonment of not less than one month and not more than six month or to both fine and imprisonment.

108. Disobedience of statutory duty

A person who wilfully disobeys any statute by doing any act which it forbids, or by omitting to do any act which it requires to be done, and which concerns the public or any part of the public, commits a misdemeanour and is liable on conviction to imprisonment for two years, unless it appears from the Act that it was the intention of the National Assembly to provide some other penalty for the disobedience.

109. Disobedience of lawful orders

A person who disobeys any order, warrant or command duly made, issued or given by any court, officer or any person acting in a public capacity and duly authorised in that behalf, commits a misdemeanour and is liable on conviction to imprisonment for two years, unless any other penalty or mode of proceeding is expressly prescribed in respect of the disobedience.

CHAPTER IV – OFFENCES INJURIOUS TO THE PUBLIC IN GENERAL

PART XV – OFFENCES RELATING TO RELIGION

110. Insult to religion of any class

A person who destroys, damages or defiles any place of worship or any object which is held sacred by any class of persons with the intention of insulting the religion of the class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, commits a misdemeanour.

111. Disturbing religious assemblies

A person, who voluntarily causes disturbance to an assembly lawfully engaged in the performance of religious worship or religious ceremony, commits a misdemeanour.

112. Trespassing on burial places

A person who, with the -

(a) intention of wounding the feelings of another person or of insulting the religion of the person;

(b) knowledge that the feelings of the person are likely to be wounded, or

(c) knowledge that the religion of any person is likely to be insulted,

commits any trespass in any place of worship or in a place of sepulture, or in a place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the purpose of funeral ceremonies, commits a misdemeanour.

113. Uttering words with intent to wound religious feelings

A person who, with the deliberate intention of wounding the religious feelings of another person -

(a) utters or writes any word;

(b) makes any sound in the hearing of that person;

(c) makes any gesture in the sight of that person, or

(d) places any object in the sight of that person,

commits a misdemeanour and is liable on conviction to imprisonment for one year.

PART - XVI – OFFENCES AGAINST MORALITY

114. Male person living on earnings of prostitution or persistently soliciting

(1) A male person who -

(a) knowingly lives wholly or in part on the earnings of prostitution;

(b) in a public place persistently solicits or importunes for immoral purposes; or

(c) commits, or is an accomplice in the commission of prostitution,

commits a misdemeanour.

(2) Where a male person is proved to -

(a) live with or to be habitually in the company of a prostitute; or

(b) have exercised control, direction or influence over the movements of a prostitute in a manner that shows that he is aiding, abetting or compelling prostitution with any other person, or generally,

he shall, unless he satisfies the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

115. Woman living on earnings of prostitution or aiding, etc., for gain, prostitution

A woman who -

(a) knowingly lives wholly or in part on the earnings of prostitution;

(b) is proved to have, for the purpose of gain, exercised control, direction or influence over the movements of a prostitute in a manner that shows that she is aiding, abetting or compelling prostitution with any person, or generally; or

(c) commits, or is an accomplice in the commission of prostitution,

commits a misdemeanour.

116. Suspicious premises

If it is made to appear to a Magistrate by information on oath that –

(a) there is reason to suspect that a house or a part of a house is used by a person for the purposes of prostitution; and

(b) any person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, or is exercising control, direction or influence over the movements of the prostitute,

he or she may issue a warrant authorising a police officer to enter and search the house and to arrest the person.

117. Brothels

A person who keeps or manages a house, room, set of rooms, or place of any kind whatsoever for purposes of prostitution commits a misdemeanour.

118. Attempts to procure abortion

A person who, with intent to procure miscarriage of a woman, whether she is or is not with child, unlawfully administers to her or causes her to take any poison or other noxious thing, or uses any force of any kind, or uses any other means whatsoever, commits a felony, and is liable on conviction to imprisonment for five years.

119. Attempts by woman with child to procure her own abortion

A woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself a poison or other noxious thing, or uses force of any kind, or uses any other means whatsoever, or permits any such thing or means to be administered or used on her, commits a felony, and is liable on conviction to imprisonment for five years.

120. Abortion and related offences

(1) A person who unlawfully supplies to or procures for another person anything whatsoever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, commits a felony, and is liable on conviction to imprisonment for three years.

(2) A person shall not be liable for an offence under sub-section (1) when a pregnancy is terminated by a registered medical practitioner who is of the opinion, in good faith, that –

(a) the continued pregnancy endangers the life of the mother or the life of the foetus;

(b) the pregnancy is the result of rape or incest;

(c) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant woman;

(d) the continuance of the pregnancy would involve risk to the life of the pregnant woman, greater than if the pregnancy were terminated; or

(e) there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

121. Knowledge of age of female immaterial

Except as otherwise expressly stated, it is immaterial in the case of any of the offence committed with respect to a woman or girl under a specified age, that the accused person did not know that the woman or girl was under that age, or believed that she was not under that age.

122. Unnatural offences

(1) A person who -

(a) engages in a sexual act with any person against the order of nature; or

(b) engages in a sexual act with an animal; or

(c) permits any person to engage in a sexual act with him or her against the order of nature,

commits an offence and is liable on conviction to imprisonment for a term not less than five years.

(2) In this section, **"engaging in a sexual act with any person against the order of nature"** includes committing any homosexual act with another person.

123. Attempts to commit unnatural offences

A person who attempts to commit any of the offences specified in section 122 commits an offence and is liable on conviction to imprisonment for a term of not less than five years.

124. Indecent practices

(1) A male person who, whether in public or private, commits an act of gross indecency with another male person, or procures another male person to commit an act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, commits a misdemeanour and is liable on conviction to imprisonment for not less than three years.

(2) A female person who, whether in public or private, commits an act of gross indecency with another female person, or procures another female person to commit an act of gross indecency with her, or attempts to procure the commission of any such act by any female person with herself or with another female person, whether in public or private, commit a misdemeanour and is liable on conviction to imprisonment for not less than three years.

(3) In this section, **"act of gross indecency"** includes any homosexual act.

125. Incest by males

(1) A male person who engages in a sexual act with a female person, who is to his knowledge, his daughter, sister, granddaughter, mother or grandmother, commits a felony, and is liable on conviction to imprisonment for a term not less than five years and not more than ten years.

(2) If it is alleged in the information or charge under sub-section (1), and proved that the female person is under the age of thirteen years, the offender shall be liable to imprisonment for life.

(3) It is immaterial that the sexual act was had with the consent of the female person.

(4) If a male person attempts to commit the offence in subsection (1), he commits a misdemeanour.

(5) On the conviction of a male person for an offence under this section, or of an attempt to commit the same, against a female under the age of twenty-one years, the court may -

(a) divest the offender of all authority over the female, and

(b) if the offender is the guardian of the female, to remove the offender from that guardianship, and to appoint a person or persons to be the guardian or guardians of the female during her minority or any less period.

(6) The High Court may at any time vary or rescind an order under sub-section (5) by the appointment of another person as the guardian, or in any other respect.

126. Incest by females

(1) A female person who engages in a sexual act with a male person, who is to her knowledge, her son, brother, grandson, father or grandfather, commits a felony, and is liable on conviction to imprisonment for a term not less than five years and not more than ten years.

(2) If it is alleged in the information or charge under sub-section (1), and proved that the male person is under the age of thirteen years, the offender shall be liable to imprisonment for life.

(3) It is immaterial that the sexual act was had with the consent of the male person.

(4) If a female person attempts to commit the offence in subsection (1), she commits a misdemeanour.

(5) On the conviction of a female person for an offence under this section, or of an attempt to commit the same, against a male under the age of twenty-one years, the court may -

(a) divest the offender of all authority over the male, and

(b) if the offender is the guardian of the male, to remove the offender from that guardianship, and to appoint a person or persons to be the guardian or guardians of the male during his minority or any less period.

(6) The High Court may at any time vary or rescind an order under sub-section (5) by the appointment of another person as the guardian, or in any other respect.

127. Test of relationship

(1) In section 125 and 126, the expressions **"brother"** and **"sister"** respectively include half-brother and half-sister.

(2) The provisions of sections 125 and 126 shall apply whether the relationship between the person charged with an offence and the person with whom the offence is alleged to have been committed is or is not traced through lawful wedlock.

128. Proceedings in camera

The proceedings under sections 122, 123,124, 125 and 126 may be held in camera.

129. Sanction of Attorney General

A prosecution for an offence under section 125 or 126 shall not be commenced without the sanction of the Attorney General.

PART XVII - OFFENCES RELATING TO MARRIAGE AND DOMESTIC OBLIGATIONS

130. Fraudulent pretence of marriage

A person who wilfully and by fraud, causes another person who is not lawfully married to them to believe that they are lawfully married and to cohabit or engage in sexual intercourse under that belief, commits a felony, and is liable on conviction to imprisonment for ten years.

131. Bigamy

(1) A person who, having a husband or wife living, goes through a ceremony of marriage which is void by reason of it taking place during the life of that husband or wife, commits a felony and is liable on conviction to imprisonment for five years.

(2) This section shall not extend to a person -

(a) whose marriage with the husband or wife has been declared void by a court of competent jurisdiction; or

(b) who contracts a marriage during the life of a former husband or wife, if the husband or wife, at the time of the subsequent marriage, has been continually absent from that person for the space of seven years, and has not

been heard of by that person as being alive within that time.

132. Marriage ceremony fraudulently gone through without lawful Marriage

A person who dishonestly or with a fraudulent intention goes through the ceremony of marriage, knowing that he or she is not thereby lawfully married, commits a felony, and is liable on conviction to imprisonment for five years.

133. Desertion of children

A parent, guardian or other person having the lawful care or charge of a child, wilfully and without lawful or reasonable cause deserts the child and leaves him or her without means of support, commits a felony.

134. Neglecting to provide food, etc., for children

A parent or guardian or other person having the lawful care or charge of a child who is unable to provide for himself or herself, refuses or neglects to provide sufficient food, clothes, bedding and other necessities for the child, so as to injure the health of that child, commits a felony.

135. Master not providing for servants or apprentices

A person who, being legally liable either as master or mistress, to provide for any apprentice or servant necessary food, clothing or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, or unlawfully and maliciously does or causes to be done any bodily harm to such apprentice or servant so that the life of such apprentice or servant is endangered or that his or her health has been or is likely to be permanently injured, commits a felony.

136. Child stealing

(1) A person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child, of the possession of the child -

(a) forcibly or fraudulently takes or entices away, or detains the child; or

(b) receives or harbours the child knowing him or her to have been so taken or enticed away or detained,

commits a felony, and is liable on conviction to imprisonment for seven years.

(2) It is a defence to a charge of any of the offences defined in sub-section (1) to prove that the accused person claimed in good faith a right to the possession of the child, or, in the case of an illegitimate child, is his or her mother or claimed to be his or her father.

PART XVIII – NUISANCES AND OFFENCES AGAINST HEALTH AND CONVENIENCE

137. Common nuisance

(1) A person who does an act not authorised by law or omits to discharge a legal duty and as a result causes any common injury or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits a misdemeanour termed as **'common nuisance'** and is liable on conviction to a fine of not less than twenty thousand dalasis or community service or both.

(2) It is immaterial that the act or omission complained of is convenient to a larger number of the public than it inconveniences, but the fact that it facilitates the lawful exercise of their rights by a part of the public may show that it is not a nuisance to any of the public.

138. Gaming houses

(1) A person who -

(a) being the owner or occupier or, having the use of, a house, room or place, who opens, keeps or uses the same for the purpose of unlawful gaming;

(b) being the owner or occupier of a house, room or place, knowingly and wilfully permits the same to be opened, kept or used by any other person for the purpose of unlawful gaming; or

(c) having the care or management of or in any manner assisting in conducting the business of a house, room or place opened, kept or used for the purpose of unlawful gaming,

is said to keep a common gaming house.

(2) In this section **"unlawful gaming"** means any game the chances of which are not alike favourable to all the players, including the banker or other person or persons by whom the game is managed, or against whom the other players stake, pay or bet.

(3) A person who keeps a common gaming house commits a misdemeanour.

(4) A person other than the persons mentioned is sub-section (1) who is found in a common gaming house shall be deemed, unless the contrary is proved, to be there for the purpose of unlawful gaming, and commits a misdemeanour, and is liable on conviction to -

(a) a fine of five thousand dalasis for the first offence; and

(b) a fine of twenty thousand dalasis or imprisonment for three months or to both for each subsequent offence.

139. Betting houses

(1) A house, room or place which is used for any of the following purposes -

(a) for the purpose of bets being made therein between persons resorting to the place and -

(i) the owner, occupier, or keeper of the place, or a person using the place,

(ii) a person procured or employed by or acting for or on behalf of the owner, occupier or keeper, or a person using the place,

(iii) a person having the care or management, or in any manner conducting the business of the place; or

(b) for the purpose of any money or other property being paid or received therein by or on behalf of the owner, occupier, or keeper, or person using the place, as, or for the consideration -

(i) for the purpose of any money or other property being paid or received therein by or on behalf of the owner, occupier, or keeper, or person using the place, as, or for the consideration,

(ii) for an assurance, undertaking, promise, or agreement, express or implied, to pay or give thereafter any money or other property on any event or contingency of or relating to any horse race, or other race, fight, game, sport or exercise, or

(iii) for securing the paying or giving by some other person of any money or other property on the event or contingency,

is called a common betting house.

(2) A person who, being the owner or occupier of a house, room or place, knowingly and wilfully permits it to be opened, kept or used as a common betting house by another person, or who has the use or management, or assists in conducting the business, of a common betting house, commits a misdemeanour, and is liable on conviction to imprisonment for one year.

(3) Nothing contained in this section shall make illegal -

(a) the use of a totalisator by a race club, or sports club recognised by the Government at any public meeting, with the approval in each case of the Inspector-General of Police; or

(b) the use of a house, room or place for the receipt or negotiation of any pool bet in pursuance of a licence issued under the Pool Betting (Licensing) Act.

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(4) In this section **"totalisator"** means the instrument, machine or contrivance of a like nature, or any scheme for enabling any number of persons, to make bets with one another on the same principles.

140. Lotteries

(1) A person shall not open, keep, carry on, or operate a lottery unless licensed by the relevant authority.

(2) An authority issued under sub-section (1) shall be subject to such terms and conditions as the licensing authority may impose.

(3) A person who fails to comply with -

(a) sub-section (1); and

(b) with any condition imposed under sub-section (2),

commits a misdemeanour.

(4) A person who prints or publishes or causes to be printed or published, an advertisement or other notice of or relating to any lottery not so authorised, or of or relating to the sale of any ticket or chance or of any share in any ticket or chance in any lottery not so authorised, is liable to a fine of one hundred thousand dalasis.

(5) In this section, the word **"lottery"** includes any scheme or device for the sale, gift, disposal or distribution of any property depending on or to be determined by lot or chance, whether by the throwing or casting of dice, or by the drawing of tickets, cards, lots, numbers or figures, or by means of a wheel or trained animal, or otherwise.

(6) When a person is convicted of an offence under this section the court may, in addition to, or in lieu of, any penalty which may be imposed, order the forfeiture to the State of any instrument or thing used in connection with the lottery concerning which the conviction has taken place.

141. Keeper of premises defined

A person who appears, acts, or behaves as master or mistress, or as the person having the care or management of a house, room, set of rooms, or place as is mentioned in sections 138, 139, and 140 is to be taken to be the keeper thereof, whether he or she is or is not the real keeper.

142. Traffic in obscene publications

(1) A person who -

(a) sells, lets to hire, distributes, or in any manner puts into circulation, or for the purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his or her possession an obscene book, pamphlet, paper, drawing, paintings, representation or figure or any other obscene object whatsoever;

(b) imports, exports or conveys an obscene object for any of the purposes aforesaid, or knowing or having reason to believe that any such object will be sold, let to hire,

distributed or publicly exhibited or in any manner put into circulation;

(c) takes part in or receives profit from any business in the course of which he or she knows or has reason to believe that any such obscene object is, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited, or in any manner put into circulation;

(d) advertises or makes known by any means whatsoever that a person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through a person; or

(e) exhibits any indecent show or performance in a public place,

commits a misdemeanour.

(2) A person convicted under sub-section (1) shall forfeit to the State all obscene books, pamphlets, papers, drawings, paintings, representations or figures or any other obscene objects whatsoever connected with the committing of the offence.

143. Wearing of uniform without authority prohibited

(1) A person who, not being a person serving in the disciplined forces or the police force, the Armed Forces or any foreign Force stationed in The Gambia wears without the permission of the President, the uniform of any of those Forces or any dress having the appearance or bearing any of the regimental or other distinctive marks on such uniform, commits a misdemeanour, and is liable on conviction to a fine of ten thousand dalasis or to imprisonment for one month:

(2) Notwithstanding sub-section (1), a person may wear a uniform or dress in the course of a stage play performed in a place in which stage plays may lawfully be publicly performed, or in the course of a music-hall or circus performance, or in the course of any *bona fide* military representation.

(3) A person who unlawfully wears the uniform of any of the forces mentioned in this section, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in a manner or in such circumstances as to be likely to bring

contempt on that uniform, or employs any other person to wear the uniform or dress, commits a misdemeanour, and is liable on conviction to a fine of thirty thousand dalasis or to imprisonment for three months.

144. Negligent act likely to spread infection of disease dangerous to life

A person who unlawfully or negligently does any act which is, and which he or she knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, commits a misdemeanour.

145. Adulteration of food or drink intended for sale

(1) A person who subjects any article of food or drink to such treatment as to make the article noxious, as food or drink or of less nutritive value, intending to sell the article as food or drink, or knowing it to be likely that the same will be sold as food or drink, commits a felony.

(2) A person who commits an offence under subsection (1) is liable, on conviction -

(a) in the case of an individual to a fine of one hundred thousand dalasis or to imprisonment for a term not exceeding five years; and

(b) in the case of a corporate body, to a fine of five million dalasis and revocation of their trade and business licence.

146. Sale of noxious food or drink

(1) A person who sells, or offers or exposes for sale, as food or drink, an article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, commits a felony.

(2) A person who commits an offence under subsection (1) is liable, on conviction -

(a) in the case of an individual to a fine of one hundred thousand dalasis or to imprisonment for a term not exceeding five years; and

(b) in the case of a corporate body, to a fine of five million dalasis and revocation of their trade and business licence.

147. Adulteration of drugs

(1) A person who adulterates any drug or medical preparation in a manner that lessens the efficacy or changes the operation of the drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it has not undergone such adulteration, commits a felony.

(2) A person who commits an offence under subsection (1) is liable, on conviction -

(a) in the case of an individual to a fine of one hundred thousand dalasis or to imprisonment for a term not exceeding five years; and

(b) in the case of a corporate body, to a fine of five million dalasis and revocation of their trade and business licence.

148. Sale of adulterated drugs

(1) A person who, knowingly sells any drug or medical preparation that has been adulterated in a manner that lessens its efficacy, changes its operation, or renders it noxious, sells the same, offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by a person not knowing of the adulteration, commits a felony.

(2) A person who commits an offence under subsection (1) is liable, on conviction -

(a) in the case of an individual to a fine of one hundred thousand dalasis or to imprisonment for a term not exceeding five years; and

(b) in the case of a corporate body, to a fine of five million dalasis and revocation of their trade and business licence.

149. Fouling water

A person who voluntarily corrupts or fouls the water of a public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, commits a felony.

(1) A person who commits an offence under subsection (1) is liable, on conviction -

(a) in the case of an individual to a fine of one hundred thousand dalasis or to imprisonment for a term not exceeding five years; and

(b) in the case of a corporate body, to a fine of five million dalasis and revocation of their trade and business licence.

150. Fouling air

A person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, commits a misdemeanour.

151. Offensive trades

A person who, for the purposes of trade or otherwise, makes loud noises or offensive or unwholesome smells in such places and circumstances as to annoy any considerable number of persons in the exercise of their common rights, commits a misdemeanour and is liable on conviction to be punished as for a common nuisance.

152. False publication and broadcasting

(1) A person who wilfully, negligently or recklessly, or having no reason to believe that it is true, publishes or broadcasts any information or news, in any medium or form, which is false in any material particular commits an offence and is liable on conviction to a fine of not less than fifty thousand dalasis and not more than two hundred and fifty thousand dalasis or imprisonment for one year or both.

(2) It shall be no defence to a charge under sub-section (1) that the person did not know that the information or news was false, unless it is proved that he or she took reasonable measures to verify the accuracy of the information or news.

CHAPTER V – OFFENCES AGAINST THE PERSON

PART XIX – MURDER AND MANSLAUGHTER

153. Manslaughter

(1) A person who causes the death of another person by any unlawful harm commits an offence of manslaughter.

(2) If the harm causing death is caused by negligence, he or she shall not be convicted for manslaughter unless the negligence amounts to a reckless disregard for human life.

154. Punishment of manslaughter

A person convicted of the felony of manslaughter is liable on conviction to imprisonment for a term of ten years or, in the most severe cases, imprisonment for life.

155. Murder

A person who of malice aforethought causes death of another person by an unlawful act or omission commits the offence of murder.

156. Punishment of murder

A person convicted of murder shall be sentenced to imprisonment for life.

157. Malice aforethought

'Malice aforethought' shall be deemed to be established by evidence proving any one or more of the following circumstances -

(a) an intention to cause the death of or to do grievous harm to a person, whether that person is the person actually killed or not;

(b) knowledge that the act or omission causing death will probably cause the death of or grievous harm to a person, whether that person is the person actually killed or not, although the knowledge is accompanied by indifference whether death or grievous bodily harm is caused or not, or by a wish that it may not be caused;

(c) using violent measures in the commission of, or attempt at, a felony; or

(d) an intention by the act or omission to facilitate the flight or escape from custody of a person who has committed or attempted to commit a felony.

158. Definition of provocation

A person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute murder, does the

act which causes death in the heat of passion caused by sudden provocation as hereinafter defined, and before there is time for his or her passion to cool, commits manslaughter only.

159. Killing on provocation

(1) A person who intentionally causes the death of another person by unlawful harm shall be guilty only of manslaughter, and not of murder or attempt to murder, if -

(a) he or she was deprived of the power of self-control by such extreme provocation given by the other person as is mentioned in succeeding sections;

(b) he or she was justified in causing some harm to the other person, and, in causing harm in excess of the harm which he was justified in causing, he acted from such terror of immediate death or grievous harm as in fact deprived him for the time being of the power of self-control;

(c) in causing the death, he or she acted in the belief, in good faith and on reasonable grounds, that he or she was under a legal duty to cause the death or to do the act which he did; or

(d) being a woman, she caused the death of her child, being a child under the age of twelve months, at a time when the balance of her mind was disturbed by reason of her not fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child.

(2) Where a sufficient provocation has been given to the accused person by one person, and he or she kills another person under the belief, on reasonable grounds, that the provocation was given by him or her, the provocation shall be admissible for reducing the crime to manslaughter in the same manner as if it had been given by the person killed; but, except that provocation given by one person is not provocation to kill a different person.

160. Diminished responsibility

(1) Where a person is found guilty of the murder or of being a party to the murder of another, and the court is satisfied that he or she was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind, or any inherent causes or induced by diseases or injury) as substantially impaired his or her mental responsibility for his or her acts and omissions in doing or being a party to the murder, the court shall make a special finding to the effect that the accused was guilty of murder but with diminished responsibility.

(2) On a charge of murder, it shall be for the defence to prove that the person charged was suffering from the abnormality of mind as is mentioned in sub-section (1).

(3) Where a special finding as is mentioned in sub-section (1) is made, the court shall sentence him or her to be detained during the President's pleasure.

161. Suicide pacts

(1) A person acting in pursuance of a suicide pact between him or her and another to kill the other or be a party to the other killing himself or herself or being killed by a third person commits manslaughter.

(2) Where it is shown that a person charged with the murder of another killed the other or was a party to his or her killing himself or herself or being killed, it shall be for the defence to prove that the person charged was acting in pursuance of a suicide pact between him or her and the other.

(3) For the purposes of this section, **"suicide pact"** means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his or her own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him or her in pursuance of the pact unless it is done while he or she has the settled intention of dying in pursuance of the pact.

162. Definition of causing death

A person is deemed to have caused the death of another person although his or her act is not the immediate or the sole cause of death in any of the following cases if -

(a) he or she inflicts bodily injury on another person in consequence of which that other person undergoes surgical or medical treatment which causes death. In this case it is immaterial whether the treatment was proper or mistaken, if it was employed in good faith and with common knowledge and skill; but the person inflicting the injury is not deemed to have caused the death if the treatment which was its immediate cause was not employed in good faith or was so employed without common knowledge or skill;

(b) he or she inflicts bodily injury on another which would not have caused death if the injured person had submitted to proper surgical or medical treatment or had observed proper precautions as to his or her mode of living;

(c) by actual or threatened violence, he or she causes the other person to perform an act which causes the death of that person, the act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;

(d) by any act or omission, he or she hastened the death of a person suffering under any disease or injury which apart from the act or omission would have caused death; and

(e) his or her act or omission would not have caused death unless it had been accompanied by an act or omission of the person killed or of other persons.

163. When child deemed to be a person

A child becomes a person capable of being killed when it has completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the navel string is severed or not.

164. Limitation as to time of death

(1) The rule known as the **"year and a day rule"** (that is, the rule that, for the purposes of offences involving death and of suicide, an act or omission is conclusively presumed not to have caused a person's death if more than a year and a day elapsed before he or she died) is abolished for all purposes.

(2) Proceedings against a person for a fatal offence if the -

(a) injury alleged to have caused the death was sustained more than three years before the death occurred, or

(b) person has previously been convicted of an offence committed in circumstances alleged to be connected with the death,

shall only be instituted with the consent of the Attorney General.

(3) In sub-section (2) **"fatal offence"** means murder, manslaughter, infanticide or any other offence of which one of the elements causes a person's death.

PART XX - INFANTICIDE

165. Infanticide

(1) A woman who -

(a) by any wilful act or omission causes the death of her child under the age of twelve months; or

(b) at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child,

commits the felony of infanticide, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder.

(2) A woman who commits the offence of infanticide is liable on conviction to imprisonment for five years.

(3) The court which convicts the woman shall also make such order for psycho-social support for her as it may consider necessary.

166. Killing unborn child

(1) Subject as hereinafter in this section provided, a person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, commits the felony of child destruction, and shall be liable on conviction to imprisonment for life.

(2) A person shall not be convicted of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

167. Evidence of pregnancy

For the purposes of section 166, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she was at that time pregnant of a child capable of being born alive.

PART XXI – OFFENCES CONNECTED WITH MURDER AND SUICIDE

168. Attempt to murder

A person who -

(a) attempts unlawfully to cause the death of another; or

(b) with intent unlawfully to cause the death of another does any act, or omits to do any act which it is his or her duty to do, the act or omission being of a nature as to be likely to endanger human life,

commits a felony and is liable on conviction to imprisonment for seven years.

169. Attempt to murder by convict

A person who, being under sentence of imprisonment for three years or more, attempts to commit murder is liable on conviction to imprisonment for life.

170. Accessory after the fact to murder

A person who becomes an accessory after the fact to murder commits a felony, and is liable on conviction to imprisonment for not less than ten years.

171. Written threats to murder

A person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person commits a felony, and is liable on conviction to imprisonment for seven years.

172. Conspiracy to murder

A person who conspires with another person to kill any person, whether the person is in The Gambia or elsewhere, commits a felony, and is liable on conviction to imprisonment for not less than twenty-five years.

173. Attempting suicide

A person who attempts to kill himself or herself commits a misdemeanour.

174. Aiding suicide

A person who -

(a) procures another to kill himself or herself;

(b) counsels another to kill himself or herself and thereby induces him or her to do so; or

(c) aids another in killing himself or herself,

commits a felony, and is liable on conviction to imprisonment for life.

PART XXII – OFFENCES ENDANGERING LIFE AND HEALTH

175. Disabling in order to commit an offence

A person who, by any means calculated to choke, suffocate or strangle, and with intent to –

(a) commit or to facilitate the commission of an offence;

(b) facilitate the flight of an offender after the commission or attempted commission of an offence; or

(c) renders or attempts to render any person incapable of resistance,

commits a felony and is liable on conviction to imprisonment for not less than ten years.

176. Stupefying in order to commit an offence

A person who, with intent to commit or to facilitate the commission of an offence, or to facilitate the flight of an offender after the commission or attempted commission of an offence, administers or attempts to administer any stupefying or overpowering drug or thing to any person, commits a felony, and is liable on conviction to imprisonment for not less than ten years.

177. Exposing, etc., children

If a person over the age of eighteen years, who has the custody, charge, or care of a child under the age of fourteen years, wilfully assaults, ill-treats, neglects, abandons, or exposes the child, or causes or procures the child to be assaulted, ill-treated, neglected, abandoned, or exposed in a manner likely to cause the child unnecessary suffering or injury to his or her health (including injury to or loss of sight, or hearing, or limb or organ of the body, and any mental derangement), that person commits a misdemeanour.

178. Suffocation of infants

(1) Where it is proved that the death of an infant under three years of age was caused by suffocation whilst the infant was in bed with some other person over eighteen years of age, and that other person was at the time of going to bed in a state of intoxication, that other person shall be deemed to have neglected the infant in a manner likely to cause injury to his or her health within the meaning of section 177.

(2) **'suffocation'** in this section does not include suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant.

179. Acts intended to cause grievous harm or to prevent arrest

A person who, with intent to maim, disfigure, or disable any person, or to do some grievous harm to any person, or to resist or prevent the lawful arrest or detention of any person -

(a) unlawfully wounds or does any grievous harm to any person by any means whatsoever;

(b) unlawfully attempts in any manner to strike any person with any kind of projectile or with a spear, sword, knife or other dangerous or offensive weapon;

(c) unlawfully causes any explosive substance to explode;

(d) sends or delivers any explosive substance or other dangerous or noxious thing to any person;

(e) causes any such substance or thing to be taken or received by any person;

(f) puts any corrosive fluid or any destructive or explosive substance in any place; or

(g) unlawfully casts or throws any such fluid or substance at or upon any person, or otherwise applies any such fluid or substance to the person of any person,

commits a felony, and is liable on conviction to imprisonment for up to life.

180. Preventing escape from wreck

A person who unlawfully -

(a) prevents or obstructs any person who is on board of, or is escaping from, a vessel which is in distress or wrecked, in his or her endeavours to save his or her life; or
(b) obstructs any person in his or her endeavours to save the life of any person so situated,

commits a felony and is liable on conviction to imprisonment for up to life.

181. Grievous harm

A person who unlawfully does grievous harm to another commits a felony, and is liable on conviction to imprisonment for seven years.

182. Attempting to injure by explosive substances

A person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatsoever, commits a felony and is liable on conviction to imprisonment for fourteen years.

183. Maliciously administering poison with intent to harm

A person who unlawfully, and with intent to injure or annoy another, causes any poison or noxious thing to be administered to, or taken by a person, and thereby endangers his or her life, or does him or her grievous harm, commits a felony and is liable on conviction to imprisonment for fourteen years.

184. Wounding and similar acts

A person who -

(a) unlawfully wounds another; or

(b) unlawfully, and with intent to injure or annoy a person, causes any poison or other noxious thing to be administered to, or taken by, any person,

commits a felony and is liable on conviction to imprisonment for three years.

185. Failure to supply necessaries

A person who, being charged with the duty of providing for another the necessaries of life, without lawful excuse fails to do so, whereby the life of that other person is or is likely to be endangered or his or her health is or is likely to be permanently injured, commits a felony and is liable to imprisonment for a term of three years.

186. Surgical operation

A person is not criminally responsible for performing in good faith and with reasonable care and skill a surgical operation upon any person for his or her benefit, or if the performance of the operation is reasonable, having regard to the patients' state at the time, and to all the circumstances of the case.

187. Excess of force

A person authorised by law or by the consent of the person injured by him or her to use force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess.

188. Consent

Notwithstanding anything contained in section 187, consent by a person to the causing of his or her own death or his or her own maim does not affect the criminal responsibility of any person by whom the death or maim is caused.

PART XXIII – CRIMINAL RECKLESSNESS AND NEGLIGENCE

189. Rash or negligent acts causing death

A person who by any rash or negligent act not amounting to manslaughter causes the death of another is liable on conviction to imprisonment for ten years.

190. Reckless and negligent acts

A person who, in a manner so rash or negligent as to endanger human life or to be likely to cause harm to any other person -

(a) drives a vehicle or rides on any public way;

(b) navigates, or takes part in the navigation or working of, a vessel; or

(c) does any act with fire or any combustible matter, or omits to take precautions against any probable danger from any fire or any combustible matter in his or her possession;

(d) omits to take precautions against any probable danger from any animal in his or her possession;

(e) gives medical or surgical treatment to a person whom he or she has undertaken to treat;

(f) dispenses, supplies, sells, administers or gives away or does any act with any medicine or poisonous or dangerous matter;

(g) does any act with respect to, or omits to take proper precautions against any probable danger from, any machinery, medicine or poisonous or dangerous matter, of which he or she is solely or partly in charge; or

(h) does any act with respect to, or omits to take proper precautions against any probable danger from, any explosive in his or her possession,

commits a felony.

191. Other negligent acts causing harm

A person who unlawfully does any act, or omits to do any act which is his or her duty to do, not being an act or omission specified in section 190, by which act or omission harm is caused to any person, commits a misdemeanour, and is liable on conviction to imprisonment for six months.

192. Exhibition of false light, mark or buoy

A person who exhibits any false light, mark or buoy, intending or knowing it to be likely that the exhibition will mislead any navigator, commits an offence and is liable on conviction to imprisonment for seven years.

193. Conveying person by water for hire in unsafe or overloaded vessel

A person who knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to be unsafe, commits a felony.

194. Danger or obstruction in public way or line of navigation

A person who by doing any act, or by omitting to take reasonable care with any property in his or her possession or under his or her charge, causes danger, obstruction or injury to a person in any public way or public line of navigation, commits an offence and is liable on conviction to a fine of one hundred thousand dalasis.

PART XXIV – ASSAULTS

195. Common assault

A person who unlawfully assaults another commits a misdemeanour, and is liable on conviction to imprisonment for one year, unless the assault is committed in circumstances for which a greater punishment is provided in this Act.

196. Assault causing actual bodily harm

A person who commits an assault occasioning actual bodily harm commits a felony and is liable on conviction to imprisonment for five years.

197. Assault on persons protecting wreck

A person who assaults, strikes or wounds any Magistrate, officer or other person lawfully authorised in or on account of the execution of his or her duty in or concerning the preservation of any vessel in distress, or of any vessel or goods or effects wrecked, stranded or cast on shore, or lying under water, commits a misdemeanour and is liable on conviction to imprisonment for seven years.

198. Assault

A person who assaults a person with intent to commit a felony or to resist or prevent the lawful apprehension or detainer of himself or herself or any other person for any offence commits a misdemeanour, and is liable on conviction to imprisonment for two years.

199. Assault of Police officer

A person who assaults, resists, or wilfully obstructs a police officer in the due execution of his or her duty, or a person acting in aid of the officer commits a misdemeanour, and is liable on conviction to imprisonment for five years.

200. Assault of Law Enforcement Agent

A person who assaults, resists or obstructs a person engaged in lawful execution of process, or in making a lawful distress, with intent to rescue any property lawfully taking the process or distress commits a misdemeanour, and is liable on conviction to imprisonment for five years.

201. Assault of person executing a lawful duty

A person who assaults a person on account of any act done by him or her in the execution of any duty imposed on him or her by law commits a misdemeanour, and is liable on conviction to imprisonment for five years.

PART XXV – OFFENCES AGAINST LIBERTY

202. Definition of kidnapping from The Gambia

A person who conveys another person beyond the limits of The Gambia without the consent of that person, or of some person legally authorised to consent on behalf of that person, kidnaps that person from The Gambia.

203. Definition of kidnapping from lawful guardianship

A person who takes or entices another person under the age of eighteen years, or any other person of unsound mind, out of the keeping of a lawful guardian of that person without the consent of the guardian, kidnaps the minor or person of unsound mind from lawful guardianship.

204. Definition of abduction

A person who by force compels, or by any deceitful means induces, another person to go from any place abducts that person.

205. Punishment for kidnapping

A person, who kidnaps another person from The Gambia or from lawful guardianship commits a felony, and is liable on conviction to imprisonment for seven years.

206. Kidnapping or abducting in order to murder

A person who kidnaps or abducts another person with the intention to murder the person, or render the person so disposed of as to be put in danger of being murdered, commits a felony, and is liable on conviction to imprisonment for a term not less than fifteen years.

207. Kidnapping or abducting with intent to confine person

A person who kidnaps or abducts another person with intent to cause that person to be secretly and wrongfully confined, commits a felony, and is liable on conviction to imprisonment for seven years.

208. Kidnapping or abducting in order to subject person to grievous harm

A person who kidnaps or abducts any person -

(a) in order that the person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous harm; or

(b) knowing it to be likely that such person will be so subjected or disposed of,

commits a felony and is liable on conviction to imprisonment for not less than ten years.

209. Wrongfully concealing or keeping in confinement kidnapped or abducted person

A person who, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines the person, commits a felony, and shall be punished on conviction in the same manner as if he or she had kidnapped or abducted that person with the same intention or knowledge, or for the same purpose, as that with or for which he or she conceals or detains the person in confinement.

210. Kidnapping or abducting child under eighteen years with intent to steal from his or her person

A person who kidnaps or abducts a child under the age of eighteen years with the intention of taking dishonestly any movable property from the person of the child, commits a felony, and is liable on conviction to imprisonment for seven years.

211. Forms of slave-dealing

A person who -

(a) sells, purchases, gives or takes in barter, transfers or receives any slave or other person, in order that such slave or other person may be held or treated as a slave;

(b) places or receives a person in servitude as a pledge or security for debt, whether then due or owing, or to be incurred or contingent, whether under the name of pawn or by whatever other name the person may be called or known;

(c) conveys a person, or induces a person to come into The Gambia in order that the person may be bought or sold, given or taken in barter, transferred, or may be held or treated as a slave, or be placed in servitude as a pledge or security for debt;

(d) conveys or sends a person, or induces a person to go outside The Gambia in order that the person may be bought, sold, given or taken in barter, transferred, or

held or treated as a slave, or be placed in servitude as a pledge or security for debt;

(e) enters into any contract or agreement, with or without consideration, for doing or procuring to be done any of such acts or accomplishing any of such purposes;

(f) detains against his or her will any person, as a slave;

(g) ships, tranships, embarks, receives, detains or confines on board, or contracts for, or authorises the shipping, transhipping, embarking, receiving, detaining or confining on board of any ship, vessel, boat or canoe, slaves or other persons for the purpose of their being carried away or removed from any place whatsoever, or imported or brought into any place whatsoever, as or in order to their being bought, sold, bartered, transferred or held or treated as slaves; or

(h) by any species of coercion or restraint unlawfully compels or attempts to compel the service of a person.

commits an offence, and is liable on conviction to imprisonment for a term not less than seven years.

212. Presumption of intention to treat as a slave

A person bringing a slave into The Gambia, or purchasing, selling, or giving or taking in barter, a slave or other person, shall be presumed to have bought, sold, or otherwise dealt with the person in order that the person may be held or treated as a slave, unless the contrary is shown.

213. prohibition against bringing, receiving, lodging, etc. of a slave

(1) A person shall not -

(a) bring a slave into The Gambia; or

(b) lodge or receive a slave so brought, or who has come into The Gambia.

(2) A person who contravenes sub-section (1), commits an offence and is liable on conviction to be punished in the same manner as for an offence under section 211.

214. Vessels employed for offences to be forfeited

A ship, vessel, boat, canoe, vehicle, aircraft or any other thing employed or used for the commission of any offence under this Part shall be forfeited to the State.

215. Habitual dealing in slaves

A person who habitually imports, exports, removes, buys, sells, traffics or deals in slaves commits a felony, and is liable on conviction to imprisonment for not less than fifteen years.

216. Unlawful compulsory labour

A person who unlawfully compels another person to labour against the will of that person commits a misdemeanour.

217. Intimidation

A person who, with a view to compel another person to abstain from doing or to do any act which that other person has a legal right to do or abstain from doing, wrongfully and without legal authority –

(a) uses violence or intimidation against that person, his or her spouse, children, or causes damage to his or her property;

(b) persistently follows that other person about from place to place;

(c) hides any tools, clothes, or other property owned or used by that other person, or deprives him or her of or hinders him or her in the use thereof;

(d) follows that other person with two or more other persons in disorderly manner in or through any street or road;

(e) persistently harasses that other person; or

(f) engages in a course of conduct that causes the other person to fear, on at least two occasions, that violence will be used against him or her,

commits an offence, and is liable on conviction to a fine of fifty thousand dalasis or to imprisonment for three months.

CHAPTER VI - OFFENCES RELATING TO PROPERTY

PART XXVI – THEFT

218. Definition of Theft

(1) A person who fraudulently and without claim of right takes anything capable of being stolen, or fraudulently converts to the use of any person, other than the general or special owner thereof, anything capable of being stolen, is said to steal that thing.

(2) A person who takes or converts anything capable of being stolen is deemed to do so fraudulently if he or she does so with any of the following intents -

(a) an intent permanently to deprive the general or special owner of the thing of it;

(b) an intent to use the thing as a pledge or security;

(c) an intent to part with it on a condition as to its return which the person taking or converting it may be unable to perform;

(d) an intent to deal with it in such a manner that it cannot be returned in the condition in which it was at the time of the taking or conversion; or

(e) in the case of money, an intent to use it at the will of the person who takes or converts it, although he or she may intend afterwards to repay the amount to the owner.

(3) The term **"special owner"** includes any person who has any charge or lien on the thing in question, or any right arising from or dependent on holding possession of the thing in question.

(4) When a thing stolen is converted, it is immaterial –

(a) whether it is taken for the purpose of conversion;

(b) whether it is at the time of the conversion, in the possession of the person who converts it; or

(c) that the person who converts the thing in question is the holder of a power of attorney for the disposition of it, or is otherwise authorised to dispose of it.

(5) When a thing converted has been lost by the owner and found by the person who converts it, the conversion is not deemed to be fraudulent if at the time of the conversion the person taking or

converting the thing does not know who is the owner, and believes on reasonable grounds that the owner cannot be discovered.

(6) A person shall not be deemed to take a thing unless he or she moves the thing or causes it to move.

219. Things capable of being stolen

(1) Every inanimate thing whatever which is the property of a person, and which is movable, is capable of being stolen.

(2) Every inanimate thing which is the property of any person, and which is capable of being made movable, is capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it.

(3) Every tame animal, whether tame by nature or wild by nature and subsequently tamed, which is the property of any person is capable of being stolen.

(4) A wild animal of a kind which is not ordinarily found in a condition of natural liberty in The Gambia, which is the property of any person, and which is usually kept in a state of confinement, is capable of being stolen, whether it is actually in confinement or has escaped from confinement.

(5) A wild animal by nature, of a kind which is ordinarily found in a condition of natural liberty in The Gambia, which is the property of a person, is capable of being stolen while it is in confinement, and while it is being actually pursued after escaping from confinement, but not at any other time.

(6) A wild animal by nature is deemed to be in a state of confinement so long as it is in a den, cage, tank or other small enclosure, or is otherwise so placed that it cannot escape and that its owner can take possession of it at pleasure.

(7) Wild animals in the enjoyment of their natural liberty are not capable of being stolen, but their dead bodies are capable of being stolen.

(8) Everything produced by or forming part of the body of an animal capable of being stolen is capable of being stolen.

220. Special cases

(1) When a Factor or Agent pledges or gives a lien on any goods or document of title to goods entrusted to him or her for the purpose of sale or otherwise for any sum of money not greater than the amount due to him or her from his or her principal at the time of pledging or giving the lien, together with the amount of any bill of exchange or promissory note accepted or made by him or her for or on account of his or her principal, such dealing with the goods or document of title is not deemed to be theft.

(2) When a servant, contrary to his or her master's orders, takes from his or her possession any food in order that it may be given to an animal belonging to or in the possession of his or her master, such taking is not deemed to be theft.

221. Funds and property held under direction

When a person receives any money or valuable security or a power of attorney for the sale, mortgage, pledge or other disposition of any property, with a direction in either case that –

(a) such money or any part thereof, or any other money received in exchange for it; or

(b) any part thereof, or the proceeds or any part of the proceeds of the security, or of the mortgage, pledge or other disposition,

shall be applied to any purpose or paid to any person specified in the direction, the money and proceeds are deemed to be the property of the person from whom the money, security or power of attorney was received until the direction has been complied with.

222. Funds and property held under direction, agency and fiduciary obligations

(1) When a person receives any property from another on terms authorising or requiring him or her –

(a) to sell it or otherwise dispose of it, and

(b) requiring him or her to pay or account for the proceeds of the property, or any part of such proceeds, or to deliver anything received in exchange for the property, to the person from whom it is received or some other person,

the proceeds of the property, and anything so received in exchange for it, are deemed to be the property of the person from whom the

property was so received, until they have been disposed of in accordance with the terms on which the property was received.

(2) If it is a part of those terms that proceeds, if any, shall form an item in a debtor and creditor account between him or her and the person to whom he or she is to pay them or account for them and that the relation of debtor and creditor only shall exist between them in respect thereof.

223. Money received for another

When a person receives any money on behalf of another, the money is deemed to be the property of the person on whose behalf it is received, unless the money is received on the terms that it shall form an item in a debtor and creditor account, and that the relation of debtor and creditor only shall exist between the parties in respect of it.

224. Theft by person having an interest in the thing stolen

When a person takes or converts anything capable of being stolen, under such circumstances as would otherwise amount to theft, it is immaterial that he or she –

(a) has a special property or interest therein;

(b) is the owner of the thing taken or converted subject to some special property or interest of some other person therein;

(c) is lessee of the thing;

(d) is one of two or more joint owners of the thing; or

(e) is a director or officer of a corporation or company or society who are the owners of it.

225. Husband and wife

A person who, while a man and his wife are living together, procures either of them to deal with anything which is, to his or her knowledge, the property of the other in a manner which would be theft if they were not married, is deemed to have stolen the thing, and may be charged with theft.

226. General punishment for theft

A person who steals anything capable of being stolen commits the felony termed theft, and is liable on conviction to imprisonment for five years, unless owing to the circumstances of the theft or the nature of the thing stolen some other punishment is provided.

227. Stealing wills

If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable on conviction to imprisonment for ten years.

228. Stealing postal matter, etc.

If the thing stolen is postal matter or any chattel, money or valuable security contained in any postal matter, the offender is liable on conviction to imprisonment for ten years.

229. Penalty for stealing of cattle, etc.

A person convicted of stealing a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat or pig, is liable on conviction to a fine not less than thirty thousand dalasis or imprisonment for not less than one year or both.

230. Stealing vehicle

If the thing stolen is a vehicle, the offender is liable on conviction to not less than five hundred thousand dalasis or to imprisonment for not less than five years or to both.

231. Stealing from the person or stealing goods in transit, etc.

If the theft is committed under any of the circumstances following, that is to say if -

(a) the thing is stolen from the person of another;

(b) the thing is stolen in a dwelling-house, and its value exceeds five thousand dalasis, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling-house;

(c) the thing is stolen from any kind of vessel or vehicle;

(d) the thing stolen is attached to or forms part of a railway;

(e) the thing is stolen from a vessel which is in distress or wrecked or stranded;

(f) the thing is stolen from a public office in which it is deposited or kept; or

(g) the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument,

the offender is liable on conviction to imprisonment for seven years.

232. Stealing by persons in the public service

If the offender is a person employed in the public service and the thing stolen is the property of the State, or came into the possession of the offender by virtue of his or her employment, he or she is liable on conviction to imprisonment for ten years.

233. Stealing by clerk or servant

If the offender is a clerk or servant, and the thing stolen is the property of his or her employer, or came into the possession of the offender on account of his or her employer, he or she is liable on conviction to imprisonment for ten years.

234. Stealing by directors or officers of companies

If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, he or she is liable on conviction to imprisonment for twelve years.

235. Stealing by agents, etc.

If the thing stolen is any of the following things -

(a) property which has been received by the offender with a power of attorney for the disposition thereof;

(b) property which has been entrusted to the offender either alone or jointly with any other person for him to retain in safe custody or to apply, pay or deliver for any purpose or to any person the same or any part thereof or any proceeds thereof;

(c) property which has been received by the offender either alone or jointly with any other person for or on account of any other person;

(d) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction; or

(e) the whole or part of the proceeds arising from any disposition of any property which has been received by the offender by virtue of a power of attorney for the disposition, the power of attorney having been received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction,

the offender is liable on conviction to imprisonment for ten years.

236. Stealing by tenants or lodgers

If the thing stolen is a fixture or chattel let to the offender to be used by him or her with a house or lodging, and its value exceeds five thousand dalasis, he or she is liable on conviction to a fine not less than ten thousand dalasis or imprisonment not exceeding three years.

237. Stealing after previous conviction

If the offender, before committing the theft, had been convicted of a theft punishable under section 226, he or she is liable on conviction to imprisonment for seven years.

PART XXVII – OFFENCES ALLIED TO STEALING

238. Concealing registers

A person who, with intent to defraud, conceals or takes from its place of deposit–

(a) a register which is authorised or required by law to be kept for authenticating or recording the title to any property;

(b) a register for recording births, baptisms, marriages, deaths or burials; or

(c) a copy of any part of a register which is required by law to be sent to any public office,

commits a felony and is liable on conviction to imprisonment for ten years.

239. Concealing wills

A person who, with intent to defraud, conceals any testamentary instrument, whether the testator is living or dead, commits a felony and is liable on conviction to imprisonment for ten years.

240. Concealing deeds

A person who, with intent to defraud, conceals the whole or part of any document which is evidence of title to any land or estate in land, commits a felony, and is liable on conviction to imprisonment for ten years.

241. Killing animals with intent to steal

A person who kills an animal capable of being stolen with intent to steal the skin or carcass, or any part of the skin or carcass, commits an offence, and is liable on conviction to the same punishment as if he or she had stolen the animal.

242. Severing with intent to steal

A person who makes anything movable with intent to steal it, commits an offence and is liable on conviction to the same punishment as if he or she had stolen the thing after it had become movable.

243. Fraudulent disposition of mortgaged goods

(1) A person who, being the mortgagor of mortgaged goods, removes or disposes of the goods without the consent of the mortgagee, and with intent to defraud, commits a misdemeanor.

(2) In this section, the term **"mortgaged goods"** includes–

(a) goods and chattels of any kind;

(b) animals, and any progeny of any animals; or

(c) crops or produce of the soil, whether growing or severed,

which are subject for the time being, by virtue of the provisions of an Act or any written instrument, to a valid charge or lien by way of security for any debt or obligation.

244. Fraudulently dealing with minerals in mines

A person who takes, conceals or otherwise disposes of any ore or any metal or mineral in or about a mine, with intent to defraud any person, commits a felony, and is liable on conviction to imprisonment for ten years.

245. Fraudulent appropriation of power

A person who fraudulently abstracts or diverts to his or her own use or to the use of any mechanical, illuminating or electrical power derived from any machine, apparatus or substance, the property of another person, commits a felony, and is liable on conviction to imprisonment for five years.

246. Unlawful use of vehicles, animals, etc.

A person who unlawfully and without colour of right, but not so as to be guilty of stealing, takes or converts to his or her own use or to the use of another person, any draught or riding animal or any vehicle or cycle, however propelled, or any vessel, commits a misdemeanour and is liable on conviction to a fine of ten thousand dalasis or to imprisonment for six months or to both.

PART XXVIII – ROBBERY AND EXTORTION

247. Definition of robbery

A person who steals anything, and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, commits the felony termed robbery.

248. Punishment of robbery

(1) A person who commits the felony of robbery is liable on conviction to imprisonment for fourteen years.

(2) If the offender–

(a) is armed with any dangerous or offensive weapon or instrument;

(b) is in the company of one or more persons; or

(c) at or immediately before or immediately after the time of the robbery, wounds, beats, strikes or uses any other personal violence to a person,

he or she is liable on conviction to imprisonment for life.

249. Attempted robbery

(1) A person who assaults a person with intent to steal anything, and, at or immediately before or immediately after the time of the assault, uses or threatens to use actual violence to a person or property in order to obtain the thing intended to be stolen, or to prevent or overcome resistance to its being stolen, commits a felony, and is liable on conviction to imprisonment for seven years.

(2) If the offender –

(a) is armed with any dangerous or offensive weapon or instrument;

(b) is in the company of one or more persons; or

(c) at or immediately before or immediately after the time of the assault, wounds, beats, strikes or uses any other personal violence to a person,

he or she is liable on conviction to imprisonment for life.

250. Assault with intent to steal

A person who assaults a person with intent to steal anything commits a misdemeanour and is liable on conviction to imprisonment for two years.

251. Demanding property by written threats

A person who, with intent to extort or gain anything from a person, and knowing the contents of the writing –

(a) causes that person to receive any writing demanding anything from that person without reasonable or probable cause; and

(b) contains threats of any injury or detriment of any kind to be caused to that person, either by the offender or another person, if the demand is not complied with,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

252. Attempts at extortion by threats

(1) A person who, with intent to extort or gain anything from a person-

(a) accuses or threatens to accuse any person of committing a felony or misdemeanour, or of offering or making any solicitation or threat to a person as an inducement to commit or permit the commission of a felony or misdemeanour;

(b) threatens that the person shall be accused by another person of a felony or misdemeanour, or of any such act; or

(c) knowing the contents of the writing, causes the person to receive any writing containing any such accusation or threat as aforesaid,

commits a felony, and if the accusation or threat of accusation is of -

(i) an offence for which the punishment of imprisonment for life may be inflicted,

(ii) any of the offences defined in Chapter XVI and the Sexual Offences Act of 2013, or an attempt to commit the offences,

(iii) an assault with intent to engage in a sexual act with any person against the order of nature, or an unlawful and indecent assault on a male person, or

(iv) a solicitation or threat offered or made to any person as an inducement to commit or permit the commission of any of the offences aforesaid,

the offender is liable on conviction to imprisonment for fourteen years.

(2) In any other case, the offender is liable on conviction to imprisonment for three years.

(3) It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he or she is accused or threatened to be accused.

253. Procuring execution of deeds, etc., by threats

A person who, with intent to defraud, and by –

(a) means of any unlawful violence to, or restraint of, the person of another;

(b) means of any threat of violence or restraint to be used to the person of another;

(c) means of accusing or threatening to accuse any person of committing any felony or misdemeanor;

(d) offering or making any solicitation or threat to a person as an inducement to commit or permit the commission of any offence, compels or induces a person –

(i) to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security, or

(ii) to write any name or impress or affix any seal upon or to any paper or parchment, in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

254. Demanding property with menaces

(1) A person who, with intent to steal anything, demands it from a person with menaces or force commits a felony and is liable on conviction to imprisonment for five years.

(2) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he or she makes any unwarranted demand with menaces; and for this purpose, a demand with menaces is unwarranted unless the person making it does so in the belief –

(a) that he or she has reasonable grounds for making the demand; and

(b) that the use of the menaces is a proper means of reinforcing the demand.

(3) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.

(4) A person guilty of blackmail shall be liable on conviction to imprisonment for a term not exceeding fourteen years.

PART XXIX – BURGLARY, HOUSEBREAKING AND SIMILAR OFFENCES

255. Definitions

(1) A person who breaks any part, whether external or internal, of a building, or opens by unlocking, pulling, pushing, lifting or any other means whatever, any door, window, shutter, cellar flap, or other thing intended to close or cover an opening in a building, or an opening giving passage from one part of a building to another, is deemed to break the building.

(2) A person is deemed to enter a building as soon as any part of his or her body or any part of any instrument used by him or her is within the building.

(3) A person who obtains entrance into a building by means of any threat or artifice used for that purpose, or by collusion with any person in the building, or who enters any chimney or other aperture of the building permanently left open for any necessary purpose, but not intended to be ordinarily used as a means of entrance, is deemed to have broken and entered the building.

256. Housebreaking and burglary

(1) A person who -

(a) breaks and enters a building, tent, vessel, caravan or thing used as a human dwelling with intent to commit a felony therein; or

(b) having entered any building, tent or vessel, caravan or thing used as a human dwelling with intent to commit a felony therein, or having committed a felony in the building, tent or vessel, caravan or thing used as a human dwelling breaks out thereof,

commits the felony termed housebreaking, and is liable on conviction to imprisonment for seven years.

(2) If the offence is committed in the night, it is termed burglary, and the offender is liable on conviction to imprisonment for ten years.

257. Entering dwelling-house with intent to commit felony

(1) A person who enters or is in any building, tent or vessel used as a human dwelling with intent to commit a felony therein, commits a felony and is liable to imprisonment for five years.

(2) If the offence is committed in the night, the offender is liable on conviction to imprisonment for seven years.

258. Breaking into building and committing felony

A person who -

(a) breaks and enters a schoolhouse, shop, warehouse, store, office, counting-house, or a building adjacent to a dwelling-house or any building used as a place of worship, and commits a felony therein; or

(b) having committed any felony in a schoolhouse, shop, warehouse, store, office, or counting-house, or in any building mentioned in paragraph (a), breaks out of the building,

commits a felony, and is liable on conviction to imprisonment for seven years.

259. Breaking into building with intent to commit felony

A person who breaks and enters a schoolhouse, shop, warehouse, store, office, counting-house, or a building which is adjacent to a dwelling-house and occupied with it but is not part of it, or any building used as a place of worship, with intent to commit a felony therein, commits a felony, and is liable on conviction to imprisonment for five years.

260. Penalty when certain offences committed by armed persons

When a person committing or attempting to commit an offence under section 256, 257, 258, or 259 is at the time of committing or attempting to commit the offence armed with a dangerous or offensive weapon, he or she is liable on conviction to imprisonment for fourteen years.

261. Persons found armed, etc., with intent to commit felony

(1) A person who is found -

(a) being armed with any dangerous or offensive weapon or instrument, and being so armed with intent to break or enter a dwelling-house and to commit a felony therein;

(b) being armed as aforesaid by night, and being so armed with intent to break or enter any building whatsoever, and to commit a felony therein;

(c) having in his or her possession by night without lawful excuse, the proof of which lies on him or her, any instrument of housebreaking;

(d) having in his or her possession by day any such instrument with intent to commit a felony;

(e) having his or her face masked or darkened or being otherwise disguised, with intent to commit a felony;

(f) being in any building whatsoever by night with intent to commit a felony therein; or

(g) being in any building whatever by day with intent to commit a felony therein, and having taken precautions to conceal his or her presence,

commits a felony, and is liable on conviction to imprisonment for three years.

(2) If the offender has been previously convicted of a felony relating to property, he or she is liable on conviction to imprisonment for a term of seven years.

262. Criminal trespass

A person who -

(a) enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person; or

(b) having lawfully entered into or upon the property remains there with intent thereby to intimidate, insult or annoy any person or with intent to commit any offence,

commits an offence for which he or she may be arrested by a police officer without warrant and is liable on conviction to imprisonment for one year.

263. Forfeiture of housebreaking instruments, etc.

When a person is convicted of an offence under this Chapter, the court may order that any dangerous or offensive weapon or instrument of housebreaking carried or used in connection with the offence shall be forfeited to the State.

PART XXX – FALSE PRETENCES

264. Definition of false pretences

A representation made by words, writing or conduct, of a matter of fact, either past or present, which representation is false in fact, and which the person making it knows to be false or does not believe to be true, is a **'false pretence'**.

265. Obtaining goods by false pretences

A person who by any false pretence, and with intent to defraud, obtains from another person anything capable of being stolen, or induces another person to deliver to a person anything capable of being stolen, commits a misdemeanour, and is liable on conviction to imprisonment for three years.

266. Obtaining execution of a security by false pretences

A person who by any false pretence, and with intent to defraud, induces a person–

(a) to execute, make, accept, endorse, alter or destroy the whole or any part of any valuable security; or

(b) to write any name or impress or affix any seal upon or to any paper or parchment in order that it may be afterwards made or converted into or used or dealt with as a valuable security,

commits a misdemeanour, and is liable on conviction to imprisonment for three years.

267. Cheating

A person who by means of any fraudulent trick or device –

(a) obtains from another person anything capable of being stolen;

(b) or induces another person to deliver to any person anything capable of being stolen or to pay or deliver to any person any money or goods or any greater sum of money or greater quantity of goods than he or she would have paid or delivered but for such trick or device,

commits a misdemeanour and is liable on conviction to imprisonment for three years.

268. Obtaining credit, etc., by false pretences

A person who -

(a) in incurring any debt or liability obtains credit by any false pretence or by means of any other fraud;

(b) with intent to defraud his or her creditors or any of them, makes or causes to be made any gift, delivery or transfer of or any charge on his or her property; or

(c) with intent to defraud his or her creditors or any of them, conceals, sells or removes any part of his or her property, after or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him or her,

commits a misdemeanour, and is liable on conviction to imprisonment for three years.

269. Conspiracy to defraud

A person who conspires with another by deceit or any fraudulent means to affect the market price of anything publicly sold, or to defraud the public, or any person, whether a particular person or not, or to extort any property from any person, commits a misdemeanour, and is liable on conviction to imprisonment for three years.

270. Frauds on sale or mortgage of property

A person who, being a seller or mortgagor of any property, or being the legal practitioner or agent of the seller or mortgagor, with intent to induce the purchaser or mortgagee to accept the title offered or produced to him or her, and with intent to defraud -

(a) conceals from the purchaser or mortgagee any instrument material to the title, or any incumbrance;

(b) falsifies any pedigree on which the title depends or may depend; or

(c) makes any false statement as to the title offered or conceals any fact material thereto,

commits a misdemeanour, and is liable on conviction to imprisonment for three years.

271. Fortune telling

A person who for gain or reward undertakes to tell fortunes, or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found, commits a misdemeanour, and is liable on conviction to a fine of not less than one hundred thousand dalasis or imprisonment for three years or both.

272. Obtaining registration, etc., by false pretences

A person who wilfully procures or attempts to procure for himself or herself or another person any registration, licence or certificate under any law by any false pretence commits a misdemeanour and is liable on conviction to imprisonment for one year.

273. Issue of false cheques

(1) A person who -

(a) without reasonable excuse, the proof of which shall be on him or her, issues any cheque drawn on any bank with which he or she has no account;

(b) issues any cheque in respect of any account with any bank when he or she has no reasonable ground (proof of which

shall be on him or her) to believe that there are funds or adequate funds in the account to pay the amount specified on the cheque within the normal course of banking business; or

(c) with intent to defraud stops or countermands any cheque previously issued by him or her,

commits an offence.

(2) A person who commits an offence under sub-section (1) is liable on conviction –

(a) for a first offence to a fine not less than ten thousand dalasis and not more than twenty-five thousand dalasis or imprisonment for a term of twelve months or both; and

(b) in the case of any subsequent offence to a fine not less than twenty-five thousand dalasis and not more than fifty thousand dalasis or to a term of imprisonment not exceeding five years.

(3) A person is not deemed to commit an offence under sub-section (1) (b) in respect of a cheque which is presented for payment later than three months after the date specified on the cheque for payment.

(4) Where a person is convicted of an offence under sub-section (1) (c), the court may, if satisfied that there are adequate funds in the account of the person in respect of which the cheque in question was issued to meet the amount specified on the cheque, order the bank in question to honour the cheque and any bank complying with such an order shall not be liable to any claim in respect of the act.

PART XXXI – RECEIVING PROPERTY STOLEN OR UNLAWFULLY OBTAINED AND LIKE OFFENCES

274. Receiving stolen property, etc.

(1) A person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been feloniously stolen, taken, extorted, obtained or disposed of, commits a felony, and is liable on conviction to imprisonment for seven years.

(2) A person who receives or retains any chattel, money, valuable security or other property whatsoever, knowing or having reason to believe the same to have been unlawfully taken, obtained, converted or disposed of in a manner which constitutes a misdemeanour,

commits a misdemeanour, and is liable on conviction to the same punishment as the offender by whom the property was unlawfully obtained, converted or disposed of.

(3) A person shall not be convicted of an offence under this section unless it is proved that the chattel, money, valuable security or other property to which the charge relates has in fact been unlawfully taken, obtained, converted or disposed of.

275. Receipt or possession of property stolen abroad

(1) If a person without lawful excuse receives, or has in his or her possession, any property stolen outside The Gambia, knowing or having reason to believe the property to have been stolen, he or she is liable on conviction to imprisonment, with or without hard labour, for five years.

(2) For the purposes of this section, property shall be deemed to have been stolen where it has been taken, extorted, obtained, embezzled, converted, or disposed of, in such circumstances that, if the act had been committed in The Gambia, the person committing it would have committed an offence under this Act.

(3) An offence under this section shall be a felony or misdemeanour according as the act committed outside The Gambia would have been a felony, or misdemeanour if committed in The Gambia.

276. Suspected stolen property

(1) Whenever a police officer has seized or detained anything which may reasonably be suspected of having been stolen or unlawfully obtained, and if the person in whose possession the thing was found does not give an account to the satisfaction of the court of how he or she came by the same, he or she commits a misdemeanour.

(2) For the purpose of sub-section (1), a thing shall be deemed to be in the possession of a person if it is on the person of or being carried by the person or is part of his or her goods or luggage or is in any part of any building in which the person resides or which he or she occupies.

277. Evidence of guilty knowledge, etc.

(1) Whenever a person is being proceeded against under section 274, 275 or 276, for the purpose of proving guilty knowledge or belief, there may be given in evidence at any stage of the proceedings -

(a) the fact that other property stolen within the period of twelve months preceding the date of the offence charged was found or had been in his or her possession; or

(b) the fact that within five years preceding the date of the offence charged he or she has been convicted of any offence involving fraud or dishonesty.

(2) The fact referred to in sub-section 1(b) may not be proved unless –

(a) seven days' notice in writing has been given to the person charged that proof of the previous conviction is intended to be given; and

(b) evidence has been given that the property in respect of which the person is being tried was found or had been in his or her possession.

PART XXXII – FRAUDS BY TRUSTEES AND PERSONS IN A POSITION OF TRUST, AND FALSE ACCOUNTING

278. Trustees Fraudulent disposal of trust property

(1) A person who, being a trustee of any property and with intent to defraud, destroys the property or converts the property to any use not authorised by the trust, commits a felony and is liable on conviction to imprisonment for seven years.

(2) For the purposes of this section, the term **"Trustee"** includes the following persons and no others -

(a) Trustees upon express trusts created by a deed, will, or instrument in writing, whether for a public or private or charitable purpose;

(b) Trustees appointed by or under the authority of an Act for any such purpose;

(c) person upon whom the duties of the trust as aforesaid devolve; and

(d) Executors and Administrators;

(3) A prosecution for any offence included in this section shall not be commenced –

(a) by a person without the sanction of the Attorney General; or

(b) by a person who has taken civil proceedings against the trustee, without the sanction of the court or Judge before whom the civil proceedings have been or are pending.

279. Directors and officers of corporations or companies fraudulently appropriating property, or keeping fraudulent accounts or falsifying books or accounts

A person who -

(a) being a director or officer of a corporation or company, receives or possesses himself or herself as such of any of the property of the corporation or company otherwise than in payment of a just debt or demand, and, with intent to defraud, omits either to make a full and true entry in the books and accounts of the corporation or company, or to cause or direct the entry to be made; or

(b) being a director, officer or member of a corporation or company, does any of the following acts with intent to defraud -

(i) destroys, alters, mutilates or falsifies any book, document, valuable security or account, which belongs to the corporation or company, or any entry in the book, document or account, or is privy to any such act,

(ii) makes or is privy to making, any false entry in the book, document or account, or

(iii) omits, or is privy to omitting, any material particular from the book, document or account,

commits a felony, and is liable on conviction to imprisonment for ten years.

280. False statements by officials of companies

A person who, being a promoter, director, officer or auditor of a corporation or company, either existing or intended to be formed, makes, circulates or publishes, or concurs in making, circulating or publishing, any written statement or account which, in any material particular, is to his or her knowledge false, with intent thereby to effect any of the following purposes -

(a) to deceive or to defraud any member, shareholder or creditor of the corporation or company, whether a particular person or not; or

(b) to induce any person, whether a particular person or not, to become a member of, or to entrust or advance any property to, the corporation or company, or to enter into any security for the benefit thereof,

commits a felony and is liable on conviction to imprisonment for seven years.

281. Fraudulent false accounting

A person who, being a clerk or servant, or being employed or acting in the capacity of a clerk or servant, does any of the following acts with intent to defraud -

(a) destroys, alters, mutilates or falsifies any book, document, valuable security or account which belongs to or is in the possession of his employer, or has been received by him or her on account of his or her employer, or any entry in the book, document or account, or is privy to any such act;

(b) makes, or is privy to making, any false entry in the book, document or account; or

(c) omits, or is privy to omitting, any material particular from the book, document or account,

commits a felony and is liable on conviction to imprisonment for ten years.

282. False accounting by public officer

A person who, being an officer charged with the receipt, custody or management of any part of the public revenue or property, knowingly furnishes any false statement or return of any money or property received by him or her or entrusted to his or her care, or of any balance of money or property in his or her possession or under his or her control, commits a misdemeanor.

PART XXXIII – OFFENCES CAUSING INJURY TO PROPERTY

283. Arson

A person who wilfully and unlawfully sets fire to -

(a) a building or structure whatsoever, whether completed or not;

(b) a vessel, whether completed or not;

(c) a motor vehicle;

(d) a stack of cultivated vegetable produce, or of mineral or vegetable fuel; or

(e) a mine, or the workings, fittings or appliances of a mine,

commits a felony and is liable on conviction to imprisonment for life.

284. Attempts to commit arson

A person who -

(a) attempts unlawfully to set fire to anything as is mentioned in section 283; or

(b) wilfully and unlawfully sets fire to anything which is so situated that anything as is mentioned in section 283 is likely to catch fire from it,

commits a felony and is liable on conviction to imprisonment for fourteen years.

285. Setting fire to crops and growing plants

A person who wilfully and unlawfully sets fire to –

(a) a crop of cultivated produce, whether standing, picked or cut;

(b) a crop of hay or grass under cultivation, whether the natural or indigenous product of the soil or not, and whether standing or cut; or

(c) any standing trees, saplings or shrubs, whether indigenous or not, under cultivation,

commits a felony and is liable on conviction to imprisonment for fourteen years.

286. Attempting to set fire to crops, etc.

A person who -

(a) attempts unlawfully to set fire to anything as is mentioned in section 285; or

(b) wilfully and unlawfully sets fire to anything which is so situated that anything as is mentioned in that section 285 is likely to catch fire from it,

commits a felony, and is liable on conviction to imprisonment for seven years.

287. Casting away vessels

A person who -

(a) wilfully and unlawfully casts away or destroys a vessel, whether completed or not;

(b) wilfully and unlawfully does any act which tends to the immediate loss or destruction of a vessel in distress; or

(c) with intent to bring a vessel into danger, interferes with any light, beacon, buoy, mark or signal used for purposes of navigation, or exhibits any false light or signal,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

288. Attempts to cast away vessels

A person who attempts unlawfully to cast away or destroy a vessel, whether completed or not, or attempts unlawfully to do any act tending to the immediate loss or destruction of a vessel in distress, commits a felony and is liable on conviction to imprisonment for seven years.

289. Injuring animals

A person who wilfully and unlawfully kills, maims or wounds any animal capable of being stolen commits a misdemeanour.

290. Punishment for malicious injuries in general

(1) A person who wilfully and unlawfully destroys or damages any property commits an offence, which, unless otherwise stated is a misdemeanour, and he or she is liable on conviction, if no other punishment is provided, to imprisonment for two years.

(2) If the property in question is a dwelling-house or a vessel, and the injury is caused by the explosion of any explosive substance, and if -

(a) any person is in the dwelling-house or vessel; or

(b) the destruction or damage actually endangers the life of any person,

the offender commits a felony, and is liable on conviction to imprisonment for life.

(3) If the property in question -

(a) is a bank or wall of a river, canal, aqueduct, reservoir or inland water, or a work which appertains to a dock, reservoir or inland water, and the injury causes actual danger of inundation or damage to any land or building;

(b) is a bridge, viaduct or aqueduct which is constructed over a highway, railway or canal, or over which a highway or canal passes, and the property is destroyed; or

(c) being a bridge, viaduct or aqueduct, is damaged, and the damage is done with intent to render the bridge, viaduct or aqueduct, or the highway or canal passing over or under the same, or any part thereof, dangerous or impassable, and the same or any part thereof is thereby rendered dangerous or impassable, the offender commits a felony, and is liable on conviction to imprisonment for life.

(4) If the property in question is –

(a) a testamentary instrument, whether the testator is living or dead;

(b) a register which is authorised or required by law to be kept for authenticating or recording the title to any property, or for recording births, baptisms, marriages, deaths or burials; or

(c) a copy of any part of a register which is required by law to be sent to any public officer,

the offender commits a felony, and is liable on conviction to imprisonment for fourteen years.

(5) If the property in question is a vessel in distress or wrecked, or stranded, or anything which belongs to the vessel, the offender commits a felony and is liable on conviction to imprisonment for seven years.

(6) If the property in question -

(a) being a vessel, whether completed or not, is destroyed;

(b) being a vessel, whether completed or not, is damaged, and the damage is done with intent to destroy it or render it useless;

(c) is a light, beacon, buoy, mark, or signal used for the purposes of navigation, or for the guidance of persons engaged in navigation;

(d) is a bank or wall of a river, canal aqueduct, reservoir, or inland water, or a work which appertains to a dock, canal, aqueduct, reservoir or inland water, or which is used for the purposes of lading or unlading goods;

(e) being a bridge, viaduct, or aqueduct which is constructed over a highway or canal, or over which a highway or canal passes, is damaged, and the damage is done with intent to render the bridge, viaduct, or aqueduct, or the highway or canal passing over or under the same, or any part thereof, dangerous or impassable;

(f) being anything in process of manufacture, or an agricultural or manufacturing machine, or a manufacturing implement, or a machine or appliance used or intended to be used for performing any process connected with the preparation of any agricultural or pastoral produce, is destroyed;

(g) being any such thing, machine, implement or appliance as last aforesaid, is damaged, and the damage is done with intent to destroy the thing in question, or to render it useless; or

(h) is a well, or borehole for water, or the dam, bank, wall, or floodgate of a millpond or pool,

the offender commits a felony, and is liable on conviction to imprisonment for seven years.

(7) If the property in question is a document which is deposited or kept in a public office, or which is evidence of title to any land or estate in land, the offender commits a felony, and is liable on conviction to imprisonment for seven years.

291. Attempts to destroy property by explosives

A person who, unlawfully and with intent to destroy or damage any property, puts any explosive substance in any place whatsoever, commits a felony and is liable on conviction to imprisonment for fourteen years.

292. Communicating infectious diseases to animals

A person who wilfully and unlawfully causes, or is concerned in causing or attempts to cause, any infectious disease to be communicated to or among any animal or animals capable of being stolen, commits a felony, and is liable on conviction to imprisonment for seven years.

293. Removing boundary marks with intent to defraud

A person who wilfully and unlawfully, and with intent to defraud, removes or defaces any object or mark which has been lawfully erected or made as an indication of the boundary of any land, commits a felony, and is liable on conviction to imprisonment for seven years.

294. Wilful damage, etc., to survey and boundary marks

A person who -

(a) wilfully removes, defaces or injures any survey mark or boundary mark which has been made or erected by or under the direction of any Government department or in the course of or for the purposes of a Government survey;

(b) being under an obligation to maintain or repair any boundary mark made or erected as aforesaid, neglects or refuses to repair the same; or

(c) wilfully removes, defaces or injures any survey mark erected by or under the authority of any Government or licenced surveyor, or by an intending applicant for any lease, licence or right under an Act relating to mines or minerals,

commits a felony, and is liable on conviction to a fine of two hundred thousand dalasis or to imprisonment for three years, and may further be ordered by the court to pay the cost of repairing or replacing the survey mark or boundary mark and of making any survey rendered necessary by the offender's act of neglect.

295. Threats to burn, etc.

A person who, knowing the contents thereof, sends, delivers, utters or directly or indirectly causes to be received any letter or writing threatening –

(a) to burn or destroy any house, barn or other building, or any rick or stack of grain, hay or straw, or other agricultural produce, whether in or under any building or not, or any vessel; or

(b) to kill, maim or wound any cattle,

commits a felony, and is liable on conviction to imprisonment for seven years.

CHAPTER VII – FORGERY, COINING, COUNTERFEITING AND SIMILAR OFFENCES

PART XXXIV – DEFINITIONS

296. Definition of forgery

'Forgery' is the making of a false document with intent to defraud or to deceive.

297. Document

The term **"document"** in this Chapter does not include a trade mark or any other sign used in connection with articles of commerce though they may be written or printed.

298. Making a false document

A person makes a false document if he or she –

(a) makes a document purporting to be what in fact it is not;

(b) alters a document without authority in such a manner that if the alteration had been authorised it would have altered the effect of the document;

(c) introduces into a document without authority, whilst it is being drawn up, matter which if it had been authorised would have altered the effect of the document; or

(d) signs a document -

(i) in the name of any person without his or her authority, whether the name is or is not the same as that of the person signing,

(ii) in the name of any fictitious person alleged to exist, whether the fictitious person is or is not alleged to be of the same name as the person signing,

(iii) in the name represented as being the name of a different person from that of the person signing it and intended to be mistaken for the name of that person, or

(iv) in the name of a person personated by the person signing the document, provided that the effect of the instrument depends upon the identity between the person signing the document and the person whom he or she professes to be.

299. Intent to defraud

(1) An intent to defraud is presumed to exist if it appears that at the time when the false document was made there was in existence a specific person ascertained or unascertained capable of being defrauded thereby.

(2) The presumption under sub-section (1) is not rebutted by proof that the offender took or intended to take measures to prevent the person from being defrauded in fact, not by the fact that he or she had or

thought he or she had a right to the thing to be obtained by the false document.

PART XXXV - PUNISHMENT FOR FORGERY

300. General punishment for forgery

A person who forges any document commits an offence which, unless otherwise stated, is a misdemeanour, and is liable on conviction to imprisonment for three years, unless owing to the circumstances of the forgery or the nature of the thing forged some other punishment is provided.

301. Forgery of will, codicil or other testamentary document

A person who forges –

(a) any will, codicil or other testamentary document either of a dead or living person;

(b) any probate or letters of administration, whether with or without the will annexed;

(c) document of title to land;

(d) judicial record;

(e) power of attorney; or

(f) banknote, currency note, bill of exchange, promissory note or other negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker,

commits an offence and is liable on conviction to imprisonment for fourteen years, and the Court may in addition order that the document as aforesaid shall be forfeited to the State.

302. Forgery of judicial or official document

A person who forges any judicial or official document is liable on conviction to imprisonment for seven years.

303. Making or having in possession paper or implements for forgery

A person who, without lawful authority or excuse, the proof of which lies on him or her -

(a) makes, uses, sells, exposes for sale or knowingly has in his or her custody or possession any paper intended to resemble and pass as special paper such as is provided and used for making any banknote;

(b) makes, uses or knowingly has in his or her custody or possession, any frame, mould or instrument for making such paper, or for producing in or on the paper any words, figures, letters, marks, lines or devices peculiar to and used in or on the paper;

(c) engraves or in any way makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print of which resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any banknote or document entitling or evidencing the title of a person to any share or interest in any public stock, annuity, fund, or debt of any part of a foreign State, or in any stock, annuity, fund or debt of any body corporate, company, or society in a foreign state;

(d) uses or knowingly has in his or her custody or possession any plate, wood, stone or other material, upon which any such words, figure, letters, marks, lines or devices have been engraved or in anywise made as aforesaid; or

(e) uses or knowingly has in his or her custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

304. Unlawful inquiries relating to the possibility of forgery

(1) A person who, without lawful authority or excuse, the proof of which lies on him or her, either orally or in writing makes inquiries of another person, whether in The Gambia or outside The Gambia -

(a) about obtaining or supplying or the cost of obtaining or supplying any machinery or instrument or material for the making of any paper or capable of producing in or on any paper any words, figures, letters, marks, or lines resembling any words, figures, letters, marks or lines used in or on paper specially provided for any purpose mentioned in section 306;

(b) about the cost of making or otherwise reproducing or marking any document referred to in section 306 no matter by what name the document may be referred to;

(c) as to whether such other person or any other person is prepared to print or otherwise reproduce or would be prepared to print or otherwise reproduce the document as aforesaid; or

(d) as to whether such other person or any other person is prepared to obtain or would be prepared to obtain the document as aforesaid by any means other than paying full value for the same,

commits a misdemeanour, and is liable on conviction to imprisonment for one year.

(2) In the case of written inquiries in connection with any of the matters or subjects to which sub-section (1) relates, the fact that the inquiries were reduced into writing shall be sufficient proof of an attempt to commit the offence and the offender shall be subject to a like penalty as if he or she had committed the offence.

305. offences relating to stamps

A person who -

(a) forges any stamp, whether impressed or adhesive, used for the purposes of revenue or accounting by any Government department;

(b) without lawful excuse, the proof whereof shall lie upon him or her, makes or has knowingly in his or her possession any die or instrument capable of making the impression of any such stamp;

(c) fraudulently cuts, tears in any way, or removes from any material any stamp used for purposes of revenue or accounting by the Government, with intent that another use shall be made of the stamp or any part thereof;

(d) fraudulently mutilates the stamp as referred to in paragraph (c), with intent that another use shall be made of the stamp;

(e) fraudulently fixes or places upon any material or upon the stamp as last aforesaid any stamp or part of a stamp which, whether fraudulently or not, has been cut, torn or in any way removed from any other material or out of or from any other stamp;

(f) fraudulently erases or otherwise either really or apparently removes from any stamped material any name, sum, date or other matter or thing whatsoever written thereon with the intent that another use shall be made of the stamp on the material; or

(g) knowingly and without lawful excuse, the proof whereof shall lie on him or her, has in his or her possession any stamp or part of a stamp which has been fraudulently cut, torn, or otherwise removed from any material, or any stamp which has been fraudulently mutilated, or any stamped material out of which any name, sum, date or other matter or thing has been fraudulently erased or otherwise really or apparently removed,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

306. Uttering false documents

A person who knowingly and fraudulently utters a false document commits an offence of the same kind, and is liable on conviction to the same punishment as if he or she had forged the thing in question.

307. Uttering cancelled or exhausted documents

A person who knowingly utters as and for a subsisting and effectual document, any document –

(a) which has by any lawful authority been ordered to be revoked, cancelled or suspended; or

(b) the operation of which has ceased by effluxion of time, or by death, or by the happening of any other event,

commits an offence of the same kind, and is liable on conviction to the same punishment, as if he or she had forged the document.

308. Procuring execution of documents by false pretences

A person who, by means of any false and fraudulent representations as to the nature, contents or operation of a document, procures another to sign or execute the document, commits an offence of the same kind, and is liable on conviction to the same punishment, as if he or she had forged the document.

309. Obliterating crossings on cheques

A person who, with intent to defraud or deceive -

(a) obliterates, adds to, or alters the crossing on a cheque; or

(b) knowingly utters a crossed cheque, the crossing on which has been obliterated, added to, or altered,

commits a felony, and is liable on conviction to imprisonment for seven years.

310. Making documents without authority

A person who, with intent to defraud or to deceive -

(a) without lawful authority or excuse makes, signs or executes for or in the name or on account of another person, whether by procuration or otherwise, any document or writing; or

(b) knowingly utters any document or writing so made, signed or executed by another person,

commits a felony, and is liable on conviction to imprisonment for seven years.

311. Demanding property upon forged testamentary instruments

A person who procures –

(a) the delivery or payment to himself or herself or any other person of any property or money by virtue of any probate or letters of administration granted upon a forged testamentary instrument; and

(b) knowing the testamentary instrument to have been forged, or by virtue of any probate or letters of administration

obtained by false evidence, knowing the grant to have been so obtained,

commits an offence of the same kind, and is liable on conviction to the same punishment, as if he or she had forged the document or thing by virtue whereof he or she procures the delivery or payment.

312. Purchasing forged notes

A person who, without lawful authority or excuse, the proof of which lies on him or her –

(a) imports, purchases or receives from any person, or

(b) has in his or her possession,

a forged bank note or currency note, whether filled up or in blank, knowing it to be forged, commits a felony and is liable on conviction to imprisonment for seven years.

313. Falsifying warrants for money payable under public authority

A person who, being employed in the public service, knowingly and with intent to defraud makes out or delivers to any person a warrant for the payment of any money payable by public authority, for a greater or less amount than that to which the person on whose behalf the warrant is made out is entitled, commits a felony and is liable on conviction to imprisonment for seven years.

314. Falsification of register

A person who, having the actual custody of any register or record kept by lawful authority, knowingly permits any entry which in any material particular is to his or her knowledge false, to be made in the register or record, commits a felony and is liable on conviction to imprisonment for seven years.

315. Sending false certificate of marriage to Registrar

A person who signs or transmits to a person authorised by law to register marriages a certificate of marriage or any document purporting to be a certificate of marriage, which in any material particular is to his or her knowledge false, commits a felony and is liable on conviction to imprisonment for seven years.

316. False statements for registers of births, deaths and marriages

A person who knowingly, and with intent to procure the same to be inserted in a register of births, deaths or marriages, makes any false statement touching any matter required by law to be registered in the register, commits a felony, and is liable on conviction to imprisonment for three years.

CHAPTER VIII – OFFENCES RELATING TO COIN

317. Definitions

In this Chapter -

"coin" includes any coin coined in any mint authorised by the Government, or lawfully current by virtue of any Executive Order, Act, Proclamation or otherwise in The Gambia or in any part of the Commonwealth, and any coin of a foreign Sovereign or State;

"counterfeit coin" means coin not genuine but resembling or apparently intended to resemble or pass for genuine coin, and includes genuine coin prepared or altered so as to pass for coin of a higher denomination.

318. Counterfeiting coin

A person who makes or begins to make any counterfeit coin commits a felony, and is liable on conviction to imprisonment for fourteen years.

319. Preparations for coining

A person who -

(a) gilds or makes any piece of metal of a fit size or figure to be coined, with intent that it shall be coined into counterfeit coin;

(b) makes any piece of metal into a fit size or figure to facilitate the coining from it of any counterfeit coin, with intent that such counterfeit coin shall be made from it; or

(c) without lawful authority or excuse, the proof of which lies on him or her -

(i) buys, sells, receives, pays or disposes of any counterfeit coin at a lower rate than it imports or is

apparently intended to import, or offers to do any such thing,

(ii) makes or mends, or begins or prepares to make or mend, or has in his or her possession, or disposes of, any stamp or mould which is adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, knowing the same to be a stamp or mould, or to be so adapted,

(iii) makes or mends, or begins or prepares to make or mend, or has in his or her possession or disposes of, any tool, instrument or machine which is adapted and intended to be used for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, knowing the same to be so adapted and intended, or

(iv) makes or mends, or begins or prepares to make or mend, or has in his or her possession or disposes of, any press for coinage, or any tool, instrument or machine which is adapted for cutting round blanks out of gold, silver or other metal, knowing the press, tool, instrument or machine to have been used or to be intended to be used for making any counterfeit coin,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

320. Unlawful inquiries relating to the possibility of uttering counterfeit coin

(1) A person who, without lawful authority or excuse the proof of which lies on him or her, either orally or in writing makes inquiries of any other person, whether in The Gambia -

(a) about obtaining, supplying or the cost of obtaining or supplying any press, tool, instrument, machine or material for the making of any counterfeit coin or for the moulding or making the resemblance of both or either of the sides of any coin, or any part of either side thereof, or for marking coin round the edges with marks or figures apparently resembling those on the edges of any coin, or for cutting round blanks out of gold, silver or other metal or mixture of metals knowing or having reasonable cause

to believe that the blanks shall be or are intended to be used for making any counterfeit coin;

(b) about the cost of making or otherwise reproducing or marking as aforesaid any counterfeit coin; or

(c) as to whether such other person or any other person is or would be prepared to supply, obtain, make, reproduce or mark as aforesaid any counterfeit coin,

commits a misdemeanour, and is liable on conviction to imprisonment for one year.

(2) In the case of written inquiries in connection with any of the matters or subjects to which sub-section (1) relates, the fact that the inquiries were reduced into writing shall be sufficient proof of an attempt to commit the offence and the offender shall be subject to a like penalty as if he or she had committed the offence.

321. Clipping

A person who deals with a coin in such a manner as to diminish its weight with intent that when so dealt with it may pass as coin, commits a felony and is liable on conviction to imprisonment for seven years.

322. Possession of clippings

A person who unlawfully has in his or her possession or disposes of any filings, or clipping of gold or silver, or any gold or silver in bullion, dust, solution, or any other state, obtained by dealing with gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, commits a felony and is liable on conviction to imprisonment for seven years.

323. Uttering counterfeit coin

A person who utters any counterfeit coin, knowing it to be counterfeit, commits a misdemeanour.

324. Repeated uttering

A person who –

(a) utters any counterfeit coin knowing it to be counterfeit and at the time of the uttering has in his or her possession any other counterfeit coin;

(b) utters any counterfeit coin knowing it to be counterfeit, and either on the same day or on any of the ten days next ensuing utters any other counterfeit coin knowing it to be counterfeit; or

(c) has in his or her possession three or more pieces of counterfeit coin, knowing them to be counterfeit, with intent to utter any of them,

commits a felony, and is liable on conviction to imprisonment for three years.

325. Uttering medal as coin

A person who, with intent to defraud, utters as and for coin any medal or piece of metal, commits a misdemeanour, and is liable on conviction to imprisonment for one year.

326. Making, etc., medals resembling coin

A person who, without lawful authority or excuse, the proof of which lies on him or her, makes or has in his or her possession for sale, or offers for sale, or sells, any –

(a) medal, cast, coin, or any other like thing made wholly or partially of metal; or

(b) metallic combination and resembling in size, figure, and colour, any coin or having thereon a device resembling any device on any coin, or being so formed that it can by gilding, silvering, colouring, washing, or other like process, be so dealt with as to resemble any coin,

commits a misdemeanour, and is liable on conviction to imprisonment for one year.

327. Importing or exporting counterfeit coin

A person who, without lawful authority or excuse, the proof of which lies on him or her -

(a) imports or receives into The Gambia any counterfeit coin whatsoever, knowing it to be counterfeit; or

(b) exports or puts on board of a vessel or vehicle of any kind for the purpose of being exported from The Gambia, any counterfeit coin whatsoever, knowing it to be counterfeit,

commits a felony, and is liable on conviction to imprisonment for fourteen years.

328. Forfeiture

When a person is convicted of an offence under this Part, the court shall order the forfeiture to the State of any forged bank note or currency note or of any counterfeit coin or any stamp, mould, tool, instrument, machine or press, or any coin, bullion or metal, used or employed in the commission of the offence.

PART XXXVI – COUNTERFEIT STAMPS

329. Possession of die used for purpose of making stamps

A person who, without lawful authority or excuse, the proof of which lies on him or her -

(a) makes or mends, or begins or prepares to make or mend, or uses, or knowingly has in his or her possession, or disposes of any die, plate or instrument capable of making an impression resembling that made by any die, plate or instrument used for the purpose of making any stamp, whether impressed or adhesive, which is used for the purposes of the public revenue or of The Gambia Postal Service Corporation in any foreign country, or capable of producing in or on paper any words, figures, letters, marks or lines resembling any words, figures, letters, marks or lines used in or on any paper specially provided by the proper authority for any such purpose;

(b) knowingly has in his or her possession or disposes of any paper or other material which has on it the impression of any such die, plate or instrument, or any paper which has on it or in it the words, figures, letters, marks or lines as aforesaid;

(c) fraudulently, and with intent that use may be made of any such stamp as aforesaid, or of any part of it, removes the stamp from any material in any way;

(d) fraudulently, and with intent that use may be made of any part of the stamp, mutilates the stamp;

(e) fraudulently fixes or places upon any material or upon the stamp, any stamp or part of a stamp which has been in

any way removed from any other material, or out of or from any other stamp;

(f) fraudulently, and with intent that use may be made of any such stamp which has been already impressed upon or attached to any material, erases or otherwise removes, either really or apparently, from the material anything written on it;

(g) knowingly has in his or her possession or disposes of anything obtained or prepared by the unlawful act as aforesaid; or

(h) fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue which he or she knows to have been before used,

commits a felony, and is liable on conviction to imprisonment for seven years, and any die, plate, instrument, paper or other thing as aforesaid which are found in his or her possession shall be forfeited to the State.

330. Paper and materials for postage stamps

(1) A person who, without lawful authority or excuse, the proof of which lies on him or her -

(a) makes, or begins or prepares to make, or uses for any postal purpose, or has in his or her possession, or disposes of, any imitation or representation on paper or any other material of any stamp used for denoting any rate of postage of The Gambia or any foreign country; or

(b) makes or mends, or begins or prepares to make or mend, or uses, or has in his or her possession, or disposes of any die, plate, instrument or material for making any such imitation or representation,

commits a misdemeanour, and is liable on conviction to a fine of fifty thousand dalasis, or to imprisonment for one year, and any stamps, and any other such things as aforesaid, which are found in his or her possession, shall be forfeited to the State.

(2) For the purposes of this section, a stamp purporting to denote a rate of postage of any country is to be taken to be a stamp used for postal purposes in this country until the contrary is shown.

CHAPTER IX – PERSONATION

331. Personation in general

(1) A person who, with intent to defraud any person, falsely represents himself or herself to be some other person, living or dead, commits a misdemeanour.

(2) If the representation is that the offender is a person entitled by will or operation of law to any specific property and he or she commits the offence to obtain the property or possession thereof, he or she is liable on conviction to imprisonment for seven years.

332. Falsely acknowledging deeds, recognisances, etc.

A person who, without lawful authority or excuse, the proof of which lies on him or her, makes, in the name of any other person, before any court or person lawfully authorised to take such an acknowledgment, an acknowledgment of liability of any kind, or an acknowledgment of a deed or other instrument, commits a misdemeanour.

333. Personation of a person named in a certificate

A person who –

(a) utters any document which has been issued by lawful authority to another person, whereby that other person is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office, or to be entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status; and

(b) falsely represents himself or herself to be the person named in the document,

commits an offence of the same kind and is liable on conviction to the same punishment as if he or she had forged the document.

334. Lending, etc., certificate for personation

A person who –

(a) being a person to whom any document has been issued by lawful authority whereby he or she is certified to be a person possessed of any qualification recognised by law for any purpose, or to be the holder of any office or to be

entitled to exercise any profession, trade or business, or to be entitled to any right or privilege, or to enjoy any rank or status; and

(b) sells, gives or lends the document to another person with intent that that other person may represent himself or herself to be the person named therein,

commits a misdemeanour.

335. Personation of person named in testimonial

A person who, for the purpose of obtaining any employment, utters any document of the nature of a testimonial of character given to another person, commits a misdemeanour and is liable on conviction to imprisonment for one year.

336. Lending, etc., testimonial for personation

A person who, being a person to whom any document as is mentioned in section 335 has been given, gives, sells or lends the document to another person with the intent that that other person may utter the document for the purpose of obtaining any employment, commits a misdemeanour.

CHAPTER X – ATTEMPTS AND CONSPIRACIES TO COMMIT CRIMES

PART XXXVII – ATTEMPTS

337. Attempt defined

(1) When a person, intending to commit an offence, begins to put his or her intention into execution by means adapted to its fulfilment, and manifests his or her intention by some overt act, but does not fulfil his or her intention to such an extent as to commit the offence, he or she is deemed to attempt to commit the offence.

(2) It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his or her part for completing the commission of the offence, or whether the complete fulfilment of his or her intention is prevented by circumstances independent of his or her will, or whether he or she desists of his or her own motion from the further prosecution of his or her intention.

(3) It is immaterial that by reason of circumstances not known to the offender it is impossible in fact to commit the offence.

338. Attempts to commit offences

A person who attempts to commit a felony or a misdemeanour commits an offence, which unless otherwise stated, is a misdemeanour.

339. Punishment of attempts to commit certain felonies

A person who attempts to commit a felony of such a kind that a person convicted of is liable to the punishment of imprisonment for life or imprisonment for fourteen years or upwards, with or without other punishment, commits a felony, and is liable on conviction, if no other punishment is provided, to imprisonment for a term of seven years.

340. Neglect to prevent felony

A person who, knowing that another person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, commits a misdemeanour.

PART XXXVIII – CONSPIRACIES

341. Conspiracy to commit felony

A person who conspires with another to -

(a) commit a felony; or

(b) do any act in any part of the world which if done in The Gambia would be a felony, and which is an offence under the laws in force in the place where it is proposed to be done,

commits a felony and is liable on conviction, if no other punishment is provided, to imprisonment for seven years, or, to the punishment prescribed for the felony in question which is less than imprisonment for seven years.

342. Conspiracy to commit misdemeanour

A person who conspires with another to –

(a) commit a misdemeanour, or

(b) do any act in any part of the world which if done in The Gambia would be a misdemeanour, and which is an offence under the laws in force in the place where it is proposed to be done,

commits a misdemeanour.

343. Other conspiracies

A person who conspires with another to effect any of the following purposes –

(a) to prevent or defeat the execution or enforcement of any Act;

(b) to cause any injury to the person or reputation of a person or to depreciate the value of any property of a person;

(c) to prevent or obstruct the free and lawful disposition of any property by the owner thereof for its fair value;

(d) to injure any person in his or her trade or profession;

(e) to prevent or obstruct, by means of any act or acts which if done by an individual person would constitute an offence on his or her part, the free and lawful exercise by a person of his or her trade, profession or occupation;

(f) to effect any unlawful purpose; or

(g) to effect any lawful purpose by any unlawful means,

commits a misdemeanour.

344. Repeal of Cap 10.01

The Criminal Code, Cap 10.01 is repealed.