



FALKLAND ISLANDS

Criminal Laws (Amendment) Ordinance 2024

(ORDINANCE No. 10 OF 2024)

ARRANGEMENT OF PROVISIONS

Section

PART 1 - INTRODUCTORY

1. Title
2. Commencement

PART 2 - AMENDMENT OF CRIMES ORDINANCE 2014

3. Amendment of Crimes Ordinance 2014
4. New section 70B inserted (time limit for prosecution of common assault or battery in domestic abuse cases)
5. Sections 72 and 72A replaced
6. Section 76 repealed (certificate of dismissal)
7. Section 77 amended (causing or allowing the death of or harm to a child or vulnerable adult)
8. Section 82 replaced (cruelty to or neglect of person under 16) and new sections 82A to 82F inserted
9. New section 87A inserted (interpretation)
10. Section 89 amended (female genital mutilation: ancillary offences)
11. New sections 89A to 89F inserted
12. Heading before section 153 replaced
13. Section 153 amended (offence of sending letters etc. with intent to cause distress or anxiety)

14. New sections 153A to 153G inserted
15. Section 154 amended (offence of improper use of public electronic communications network)
16. Section 155 amended (interpretation of Part)
17. Section 156 amended (unlawful marketing of knives)
18. Section 157 amended (publications)
19. Section 160 amended (manufacture and sale of flick knives, etc.)
20. Section 161 amended (sale of knives etc. to persons under 16)
21. New section 161A inserted (limitations on defence for remote sales)
22. Section 165 amended (sale, etc. of crossbows to young persons)
23. Section 169 amended (having an article with blade or point in a public place)
24. Section 170 amended (having an offensive weapon, etc. on school premises)
25. Section 171 amended (threatening with offensive weapon, etc. on school premises)
26. Section 172 amended (entry and search of school premises for offensive weapons, etc.)
27. New sections 173A and 173B inserted
28. Section 174 amended (dealing in offensive weapons)
29. New section 176A inserted (surrender of offensive weapons)
30. Section 202 amended (interpretation of Part)
31. Section 222 amended (positions of trust)
32. New section 223A inserted (further positions of trust: sport or religion)
33. Section 269 replaced (prostitution offences: interpretation)
34. New sections 283A to 283C inserted
35. New section 284A inserted (sending or giving photograph or film of genitals)
36. Section 285A amended (voyeurism: additional offences)
37. Sections 285B and 285C replaced
38. New section 294A inserted (continuity of sexual offences law)
39. Section 295 amended (interpretation of Part)
40. New section 300A inserted (notification requirements: absence from notified residence)
41. Section 305 amended (offences relating to notification)
42. New sections 305A and 305B inserted
43. New sections 314A to 314D and cross headings inserted
44. Section 321 amended (sexual harm prevention orders: applications and grounds – Schedules 3 and 4)
45. Section 323 replaced (effect of a SHPO)
46. Sections 325 and 326 replaced and new section 326A inserted

47. Section 330 replaced (SHPOs and interim SHPOs: guidance)
48. Section 332 amended (sexual risk orders: applications, grounds and effect)
49. New section 332A inserted (SRO: requirements included in order etc.)
50. Section 334 amended (SRO: variation, renewal and discharge)
51. Section 335 amended (interim SROs)
52. New section 335A inserted (SROs and interim SROs: electronic monitoring requirements)
53. Section 340 replaced (SROs and interim SROs: guidance)
54. Part 22 replaced (hate crimes)
55. Schedule 3 amended (sexual offences for purposes of Part 11)
56. Schedule 4 amended (other offences for the purposes of Part 11)

**PART 3 - AMENDMENT OF CRIMINAL PROCEDURE AND EVIDENCE
ORDINANCE 2014**

57. Amendment of Criminal Procedure and Evidence Ordinance 2014
58. Section 53 amended (bail under section 51: supplementary)
59. Sections 61 to 63 replaced
60. Section 64 amended (release on bail under sections 61 and 62: further provision)
61. Section 67 amended (review of police detention)
62. Section 69 amended (limits on period of detention without charge)
63. Section 70 amended (authorisation of continued detention)
64. Section 71 amended (warrants of further detention)
65. Section 77 amended (conditions of police bail)
66. Section 78 amended (re-arrest of persons on bail)
67. Chapter 3 heading replaced
68. Section 129 amended (attaching of conditions)
69. New section 130A inserted (foreign offender conditions)
70. Section 133 amended (consequences of failure to comply)
71. New Part 8A inserted (penalty notices)
72. Section 196 repealed (public notice of outcome)
73. Section 210 amended (committal for sentence by Summary Court)
74. Section 267 amended (non-appearance of prosecutor)
75. Section 268 amended (non-appearance of defendant: general provisions)
76. New sections 339A to 339H and cross-heading inserted
77. Section 342 repealed (onus of proving exceptions, etc.)

78. Section 436 amended (evidence given in private)
79. Section 465 amended (restrictions on reporting of identity of victims in certain proceedings)
80. Section 478 amended (determining the seriousness of an offence)
81. Section 585 replaced (warrants for imprisonment)
82. Section 699 amended (arrest and charge)
83. New section 699A (police detention and charge)
84. Section 700 amended (bail and custody before application)
85. New section 725A to 725G inserted
86. New section 786A inserted (regulations about fees)
87. New Schedule 3A inserted (penalty notice offences)
88. Schedule 10 replaced (table of rehabilitation periods)
89. Schedule 12 amended (offences against youths to which protective provisions apply)

PART 4 - AMENDMENT OF ROAD TRAFFIC ORDINANCE 1948

90. Amendment of Road Traffic Ordinance 1948
91. Section 18A amended (causing death by dangerous driving)
92. Section 18M amended (causing death by driving without due care and attention when under influence of drink or drugs)
93. Section 59 amended (regulations)

PART 5 - MINOR AMENDMENTS AND REGULATIONS

Minor amendments

94. Minor amendments
Children (Fostering) Regulations 2019
95. Children (Fostering) Regulations 2019 amended
Road Traffic (Fixed Penalty Notices) Regulations 2017
96. Road Traffic (Fixed Penalty Notices) Regulations 2017 revoked

SCHEDULE - MINOR AMENDMENTS

Part A - Crimes Ordinance 2014

Part B - Criminal Procedure and Evidence Ordinance 2014

Part C - Criminal Justice (International Co-operation) Ordinance 1991

Part D - Prisons Ordinance 2017

Part E - Criminal Justice Ordinance 1989



FALKLAND ISLANDS

Criminal Laws (Amendment) Ordinance 2024

(assented to: 6 August 2024)

(commencement: on publication)

(published: 14 August 2024)

AN ORDINANCE

To amend the Crimes Ordinance 2014, Criminal Procedure and Evidence Ordinance 2014, Criminal Justice (International Co-operation) Ordinance 1991 and Road Traffic Ordinance 1948.

ENACTED by the Legislature of the Falkland Islands —

PART 1 - INTRODUCTORY

1. Title

This Ordinance is the Criminal Laws (Amendment) Ordinance 2024.

2. Commencement

This Ordinance comes into force on publication in the *Gazette*.

PART 2 - AMENDMENT OF CRIMES ORDINANCE 2014

3. Amendment of Crimes Ordinance 2014

This Part amends the Crimes Ordinance 2014.

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**PART 3 - AMENDMENT OF CRIMINAL PROCEDURE AND EVIDENCE
ORDINANCE 2014**

57. Amendment of Criminal Procedure and Evidence Ordinance 2014

This Part amends the Criminal Procedure and Evidence Ordinance 2014.

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PART 4 – AMENDMENT OF ROAD TRAFFIC ORDINANCE 1948

90. Amendment of Road Traffic Ordinance 1948

This Part amends the Road Traffic Ordinance 1948.

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PART 5 - MINOR AMENDMENTS AND REGULATIONS

Minor amendments

94. Minor amendments

The provisions of the Crimes Ordinance 2014, Criminal Procedure and Evidence Ordinance 2014, Criminal Justice (International Co-operation) Ordinance 1991, Prisons Ordinance 2017 and Criminal Justice Ordinance 1989 listed in the Schedule are amended as set out in the Schedule.

Children (Fostering) Regulations 2019

95. Children (Fostering) Regulations 2019 amended

(1) This section amends the Children (Fostering) Regulations 2019.

Road Traffic (Fixed Penalty Notices) Regulations 2017

96. Road Traffic (Fixed Penalty Notices) Regulations 2017 revoked

The Road Traffic (Fixed Penalty Notices) Regulations 2017 are revoked.

SCHEDULE - MINOR AMENDMENTS

section 94

PART A - CRIMES ORDINANCE 2014 ...

PART B - CRIMINAL PROCEDURE AND EVIDENCE ORDINANCE 2014 ...

**PART C - CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION)
ORDINANCE 1991 ...**

PART D - PRISONS ORDINANCE 2017 ...

PART E - CRIMINAL JUSTICE ORDINANCE 1989 ...