

Supplement "C" to The Gambia Gazette No. 13 of 2nd August, 2005

Criminal Code (Amendment) Act, 2005



THE GAMBIA

NO. 3 OF 2005.

Assented to by The President,

this Twenty-First day of July, 2005

YAHYA A. J. J. JAMMEH  
*President*

**AN ACT** to amend the Criminal Code and for matters connected therewith.

[ 21st July, 2005 ]

**ENACTED** by the President and the National Assembly.

Short title

1. This Act may be cited as the Criminal Code (Amendment) Act, 2005.

Amendment of  
Cap. 10  
2005 No.18

2. The Criminal Code (in this Act referred to as "the principal Act"), as amended, is hereby further amended as set out in the following provisions of this Act.

Amendment of  
section 52

3. Section 52 of the principal Act is amended-

- (a) in subsection (1), by substituting for the paragraph immediately after paragraph (d), the following new paragraph -

"shall be guilty of an offence and liable to a fine of not less than fifty thousand dalasis and not more than two hundred and fifty thousand dalasis or imprisonment for a term of not less than one year, or to both such fine and imprisonment, and any seditious publication shall be forfeited to the State."; and

- (b) in subsection (2), by substituting for all the words after "seditious publication", the following new words -

"shall be guilty of an offence and liable to a fine of not less than fifty thousand dalasis and not more than two hundred and fifty thousand dalasis or imprisonment for a term of not less than one year, or to both such fine and imprisonment, and any seditious publication shall be forfeited to the State."

Amendment of  
section 144

4. Section 144 of the principal Act is amended-

- (a) by re-numbering the existing section as section 144 (1);
- (b) in paragraph (c) of section 144 (1), as re-numbered, by substituting for the words "a male", the word "any"; and

- (c) by inserting immediately after section 144 (1), the following new subsection (2)-

"(2) In this section-

"carnal knowledge of any person against the order of nature", includes-

- (a) carnal knowledge of the person through the anus or mouth of the person;
- (b) inserting any object or thing into the vulva or anus of the person for the purpose of simulating sex; and
- (c) committing any other homo-sexual act with the person."

Amendment of  
section 147

5. Section 147 of the principal Act is amended by-

- (a) re-numbering the existing section as section 147 (1);
- (b) inserting immediately after section 147 (1), the following new subsections (2) and (3)-

"(2) Any female person who, whether in public or private, commits any act of gross indecency with another female person, or procures another female person to commit any 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, is guilty of a felony and liable to imprisonment for a term of five years.

(3) In this section-

"act of gross indecency" includes any homosexual act."

Amendment of  
section 178

6. Section 178 of the principal Act is amended, by substituting for all the words after "liable", the words "to a fine of not less than fifty thousand dalasis and not more than two hundred and fifty thousand dalasis or imprisonment for a term of not less than one year, or to both such fine and imprisonment."

Amendment of  
section 181A

7. Section 181A of the principal Act is amended, in subsection (1), by substituting for all the words after "liable", the words "to a fine of not less than fifty thousand dalasis and not more than two hundred and fifty thousand dalasis or imprisonment for a term of not less than one year, or to both such fine and imprisonment."

PASSED in the National Assembly this Twenty-Second day of June  
in the year of Our Lord Two Thousand and Five

D. C. M. Kebbeh  
*Acting Clerk of the National Assembly.*

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill  
which has passed in the National Assembly, and found by me to be a true and correct  
copy of the said Bill.

D. C. M. Kebbeh  
*Acting Clerk of the National Assembly.*