



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE
BRITISH INDIAN OCEAN TERRITORY**

**CRIMINAL PROCEDURE CODE 2019
(TEMPORARY MEASURES)
(FIXED PENALTY NOTICES)
ORDINANCE 2020**

CHAPTER C.9

Revised Edition

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains:

The Criminal Procedure Code 2019 (Temporary Measures) (Fixed Penalty Notices) Ordinance 2020 - Ordinance No.9 of 2020

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An Ordinance to make temporary provisions increasing the fixed penalty amount for fixed penalty notices issued in connection with the offence of disobedience of lawful orders (section 113 of the Penal Code 1981) and for related matters.

Citation and commencement.

1. This Ordinance may be cited as the Criminal Procedure Code 2019 (Temporary Measures) (Fixed Penalty Notices) Ordinance 2020 and shall come into force forthwith.

Definition.

2. The “Principal Ordinance” means the Criminal Procedure Code 2019.

Application of Ordinance.

3. The provisions contained within this Ordinance shall apply where a fixed penalty notice is issued pursuant to section 268 of the Principal Ordinance, for the offence of disobedience of lawful orders (section 113 of the Penal Code 1981).

Amendment of the Principal Ordinance.

4. Subject to section 3, the sections of the Principal Ordinance shown in column A of the Schedule are amended in the manner set out in column B.

Ordinance to expire unless extended.

5. This Ordinance continues in force until 22 September 2020 and then expires unless the Commissioner, by Order which shall be published in the *Gazette*, extends its duration for such further period or periods as the Commissioner may from time to time order.

SCHEDULE

Section 4

Column A	Column B
267	“£50” is replaced with “£100”
269(2)	“£75” is replaced with “£150”
271(1)	“£75” is replaced with “£150”
271(2)	“£75” is replaced with “£150”
272(1)	“£75” is replaced with “£150”
Schedule 6, paragraph 3(a)	“£50” is replaced with “£100”
Schedule 6, Note	“£75” is replaced with “£150”

EXPLANATORY NOTE

(This note is not part of the Ordinance)

The provisions contained within section 113 of the Penal Code 1981 (Disobedience of lawful orders) have been adopted to produce a Restriction of Movement Order and associated Rules. This has been done to provide a legal basis for controlling the movement and behaviour of persons in the Territory in response to the Covid-19 pandemic.

The Restriction of Movement Order and Rules permit a police officer to issue fixed penalty notices to those who disobey the Rules. Such notices have been issued on several occasions, however, due to concerns expressed within the Territory on the current amount of the fixed penalty (£50), this Ordinance temporarily increases it to £100. The penalty on default of payment is similarly increased from £75 to £150.

This Ordinance has been tied in with the operative dates of the Restriction of Movement Order and is not intended to present a permanent increase to the amount of the fixed penalty for this offence.

