

guilty of a misdemeanour, and is liable, unless it appears from the Act that it was the intention of the Legislature to provide some other penalty for such disobedience, to imprisonment for two years.

Disobedience
of lawful
orders.

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

Division III.—Offences Injurious to the Public in General

CHAPTER XIV.—OFFENCES RELATING TO RELIGION.

Insult to
religion of
any class.

117. Any 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 thereby insulting the religion of any 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, is guilty of a misdemeanour.

Disturbing
religious
assemblies.

118. Any person who voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremony, is guilty of a misdemeanour.

Trespassing
on burial
places.

119. Every person who, with the intention of wounding the feelings of any person or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any 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, is guilty of a misdemeanour.

120. Any person who, with the intention of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any 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, is guilty of a misdemeanour.

121. Any person who, with the intention of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any 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, is guilty of a misdemeanour.

122. Any person who, with the intention of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any 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, is guilty of a misdemeanour.

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125. Any person who, with the intention of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any 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, is guilty of a misdemeanour.

126. (1) Any person who, with the intention of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or in any place of sepulture, or in any 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, is guilty of a misdemeanour.

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120. Any person who, with the deliberate intention of wounding the religious feelings of any person, utters or writes any word, or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Uttering
words with
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CHAPTER XV.—OFFENCES AGAINST MORALITY

121. Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of the felony termed rape.

Definition of
rape.

122. Any person who commits the offence of rape is liable to be punished with imprisonment for life.

Punishment
of rape.

123. Any person who attempts to commit rape is guilty of a felony, and is liable to imprisonment for seven years.

Attempt.

124. Any person who, with intent to marry or carnally know a woman of any age, or to cause her to be married or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

Abduction.

125. Any person who unlawfully takes or causes to be taken an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother, or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour.

Abduction
of girls
under 16.

126. Any person who unlawfully and indecently assaults any woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years.

Indecent
assault on
females.

It shall be a defence to a charge for an indecent assault on

a girl under the age of sixteen years to prove that she consented to the act of indecency:

Provided that it shall be a sufficient defence to any charge under this subsection if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Indecently
insulting
or annoying
females.

(3) Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Defilement
of girls
under 16.

127. (1) Any person who unlawfully and carnally knows any girl under the age of sixteen years is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempt.

(2) Any person who attempts to have unlawful carnal knowledge of any girl under the age of sixteen years is guilty of a felony, and is liable to imprisonment for three years:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Defilement
of idiots or
imbeciles.

128. Any person who, knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her under circumstances not amounting to rape, but which prove that the offender knew at the time of the commission of the offence that the woman or girl was an idiot or imbecile, is guilty of a misdemeanour, and is liable to imprisonment for two years.

Procurement.

129. Any person who—

(1) procures or attempts to procure any girl or woman under the age of twenty-one years to have unlawful carnal connection, either in The Gambia or elsewhere, with any other

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- (2) procures or attempts to procure any woman or girl to become, either in The Gambia or elsewhere, a common prostitute; or
- (3) procures or attempts to procure any woman or girl to leave The Gambia, with intent that she may become an inmate of or frequent a brothel elsewhere; or
- (4) procures or attempts to procure any woman or girl to leave her usual place of abode in The Gambia, with intent that she may for the purposes of prostitution become an inmate of or frequent a brothel either in The Gambia or elsewhere,

is guilty of a misdemeanour:

Provided that no person shall be convicted of any offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

130. Any person who—

- (1) by threats or intimidation procures or attempts to procure any woman or girl to have any unlawful carnal connection, either in The Gambia or elsewhere; or
- (2) by false pretences or false representations procures any woman or girl to have any unlawful carnal connection, either in The Gambia or elsewhere; or
- (3) applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing, with intent to stupefy or overpower so as thereby to enable any person to have unlawful carnal connection with such woman or girl,

is guilty of a misdemeanour:

Provided that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated in some material particular by evidence implicating the accused.

131. Any person who, being the owner or occupier of premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of thirteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether

Procuring
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woman by
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fraud or
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Householder,
etc., permit-
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premises.

such carnal knowledge is intended to be with any particular man or generally, is guilty of a felony, and is liable to imprisonment for five years:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Householder,
etc.,
permitting
defilement
of girl under
16 years on
his premises.

132. Any person who, being the owner or occupier of premises, or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl above the age of thirteen years and under the age of sixteen years to resort to or be upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of a misdemeanour:

Provided that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought that the person so charged had reasonable cause to believe and did in fact believe that the girl was of or above the age of sixteen years.

Detention
with intent
or in brothel.

133. Any person who detains any woman or girl against her will—

- (1) in or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man or generally; or
- (2) in any brothel,

is guilty of a misdemeanour.

Constructive
detention by
withholding
clothes.

When a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the directions of such person, such person threatens such woman or girl with legal

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No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

134. If it appears to any magistrate, on information made before him on oath by any parent, relative or guardian of any woman or girl or other person who, in the opinion of the magistrate, is acting bona fide in the interests of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such magistrate, such magistrate may issue a warrant authorising the person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a magistrate; and the magistrate before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

Power of search.

A magistrate issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a magistrate and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally and—

(a) either is under the age of sixteen years; or

(b) if she is of or over the age of sixteen years and under the age of eighteen years, is so detained against her will or against the will of her father or mother or of any person having the lawful care or charge of her; or

(c) if she is of or over the age of eighteen years and is so detained against her will.

Any person authorised by warrant under this section to search

for any woman or girl so detained as aforesaid may enter (if need be, by force) any house, building or other place mentioned in the warrant, and may remove such woman therefrom.

Male person living on earnings of prostitution or persistently soliciting.

135. (1) Every male person who—

- (a) knowingly lives wholly or in part on the earnings of prostitution; or
- (b) in any public place persistently solicits or importunes for immoral purposes;

is guilty of a misdemeanour.

(2) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he is aiding, abetting or compelling her prostitution with any other person, or generally, he shall unless he shall satisfy the court to the contrary be deemed to be knowingly living on the earnings of prostitution.

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

136. Every woman who knowingly lives wholly or in part on the earnings of prostitution, or who is proved to have, for the purpose of gain, exercised control, direction or influence over the movements of a prostitute in such a manner as to show that she is aiding, abetting or compelling her prostitution with any person, or generally, is guilty of a misdemeanour.

Suspicious premises.

137. If it is made to appear to a magistrate by information on oath that there is reason to suspect that any house or any part of a house is used by a woman or girl for purposes of prostitution, and that 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, the magistrate may issue a warrant authorising any police officer to enter and search the house and to arrest such person.

Brothels.

138. Any person who keeps a house, room, set of rooms, or place of any kind whatsoever for purposes of prostitution is guilty of a misdemeanour.

139. Any woman or girl who means to procure or to assist in procuring another person to become a prostitute is guilty of a misdemeanour.

140. Any woman, who to her or causes any female person to become a prostitute is guilty of a misdemeanour.

141. Any person who for his own or other person's benefit administers or attempts to administer any drug or medicine to a woman or girl with intent to procure her to become a prostitute is guilty of a misdemeanour.

142. Any person who unlawfully is or is not a prostitute for the purpose of procuring or assisting in procuring another person to become a prostitute is guilty of a misdemeanour.

143. Except in the case of an offence under section 137, a person who is not a prostitute for the purpose of procuring or assisting in procuring another person to become a prostitute is guilty of a misdemeanour.

144. Any person who has

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139. Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means to permit any man to have unlawful carnal knowledge of her is guilty of a felony, and is liable to imprisonment for three years.

Conspiracy
to defile.

140. Any 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 whatever, is guilty of a felony, and is liable to imprisonment for fourteen years.

Attempts to
procure
abortion.

141. Any woman who, being with child, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or uses any force of any kind, or uses any other means whatever, or permits any such thing or means to be administered or used to her, is guilty of a felony, and is liable to imprisonment for seven years.

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woman with
child.

142. Any person who unlawfully supplies to or procures for any person any thing whatever, knowing that it is intended to be unlawfully used to procure the miscarriage of a woman, whether she is or is not with child, is guilty of a felony, and is liable to imprisonment for three years.

Supplying
drugs or
instrument
to procure
abortion.

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

Knowledge
of age of
female
immaterial.

144. Any person who—

has carnal knowledge of any person against the order of nature; or

has carnal knowledge of an animal; or

permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a felony, and is liable to imprisonment for fourteen years.

Unnatural
offences.

Attempts to
commit
unnatural
offences.

145. Any person who attempts to commit any of the offences specified in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years.

Indecent
assault of
boys under
14.

146. Any person who unlawfully and indecently assaults a boy under the age of fourteen years is guilty of a felony, and is liable to imprisonment for seven years.

Indecent
practices
between
males.

147. Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any 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, is guilty of a felony and is liable to imprisonment for five years.

Incest by
males.

148. (1) Any male person who has carnal knowledge of a female person, who is to his knowledge his granddaughter, daughter, sister or mother, is guilty of a felony, and is liable to imprisonment for five years:

Provided that if it is alleged in the information or charge and proved that the female person is under the age of thirteen years, the offender shall be liable to imprisonment for life.

Consent
immaterial.

(2) It is immaterial that the carnal knowledge was had with the consent of the female person.

Attempt.

(3) If any male person attempts to commit any such offence as aforesaid he is guilty of a misdemeanour.

Order for
guardianship.

(4) On the conviction before any court of any male person of an offence under this section, or of an attempt to commit the same, against any female under the age of twenty-one years, it shall be in the power of the court to divest the offender of all authority over such female, and, if the offender is the guardian of such female, to remove the offender from such guardianship, and in any such case to appoint any person or persons to be the guardian or guardians of such female during her minority or any less period:

Provided that the Supreme Court may at any time vary or rescind the order by the appointment of any other person as such

guardian, or

149. Any person with consent carnal knowledge brother or sister to imprisonment

150. In the and "sister" the provisions between the whom the offence through lawful

151. All persons in-camera.

152. No person shall be liable to imprisonment for life under this Code shall be General

CHAPTER

153. Any person who is not lawfully married to his wife and who has carnal knowledge of her

154. Any person who, through a false promise, obtains carnal knowledge of another person, is guilty of a felony, and is liable to imprisonment for five years.

Provided that if it is proved that the marriage was null and void at the time of the offence, the offender shall be liable to imprisonment for five years.

guardian, or in any other respect.

149. Any female person of or above the age of sixteen years who with consent permits her grandfather, father, brother, or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son, as the case may be) is guilty of a felony, and is liable to imprisonment for five years. Incest by females.

150. In the two last preceding sections the expressions "brother" and "sister" respectively include half-brother and half-sister, and the provisions of the said sections 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. Test of relationship.

151. All proceedings under sections 148 and 149 may be held in camera. Proceedings in camera.

152. No prosecution for an offence under section 148 or 149 of this Code shall be commenced without the sanction of the Attorney-General. Sanction of Attorney-General.

CHAPTER XVI.—OFFENCES RELATING TO MARRIAGE AND DOMESTIC OBLIGATIONS

153. Any person who wilfully and by fraud causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual intercourse with him in that belief is guilty of a felony, and is liable to imprisonment for five years. Fraudulent pretence of marriage.

154. Any person who, having a husband or wife living, goes through a ceremony of marriage which is void by reason of its taking place during the life of such husband or wife, is guilty of a felony, and is liable to imprisonment for five years: Bigamy.

Provided that this section shall not extend to any person whose marriage with such husband or wife has been declared void by a

court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time.

Marriage ceremony fraudulently gone through without lawful marriage.

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

Desertion of children.

156. Any person who being the parent, guardian or other person having the lawful care or charge of a child under the age of fourteen years, and being able to maintain such child, wilfully and without lawful or reasonable cause deserts the child and leaves it without means of support, is guilty of a misdemeanour.

Neglecting to provide food, etc., for children.

157. Any person who, being the parent or guardian or other person having the lawful care or charge of any child of tender years and unable to provide for itself, refuses or neglects (being able to do so) to provide sufficient food, clothes, bedding and other necessities for such child, so as thereby to injure the health of such child, is guilty of a misdemeanour.

Master not providing for servants or apprentices.

158. Any 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 health has been or is likely to be permanently injured, is guilty of a misdemeanour.

Child stealing.

159. Any person who, with intent to deprive any parent, guardian or other person who has the lawful care or charge of a child under the age of fourteen years, of the possession of such child—

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person who contracts a wife, if such husband marriage, shall have been a space of seven years, and being alive within that

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guardian or other person under the age of fourteen years, wilfully and without consent, and leaves it without

parent or guardian or other person any child of tender years neglects (being able to do so) in feeding and other necessities the health of such child,

able either as master or servant necessary food, lawful excuse refuses to supply, and maliciously does so, or apprentice or servant so injured, is guilty of a

ive any parent, guardian or person in charge of a child under the age of such child—

entices away, or detains

the child; or

(2) receives or harbours the child knowing it to have been so taken or enticed away or detained,

is guilty of a felony, and is liable to imprisonment for seven years.

It is a defence to a charge of any of the offences defined in this section 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 its mother or claimed to be its father.

CHAPTER XVII.—“NUISANCES AND OFFENCES AGAINST HEALTH AND CONVENIENCE

160. Any person who does an act not authorised by law or omits to discharge a legal duty and thereby causes any common injury, or danger or annoyance, or obstructs or causes inconvenience to the public in the exercise of common rights, commits the misdemeanour termed a common nuisance, and is liable to imprisonment for one year.

Common nuisance.

It is immaterial that the act or omission complained of is convenient to a larger number of the public than it is inconvenient, 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.

161. (1) Any person being the owner or occupier or, having the use of any house, room or place, who shall open, keep or use the same for the purpose of unlawful gaming being carried on therein, and any person who, being the owner or occupier of any house, room or place, shall knowingly and wilfully permit the same to be opened, kept or used by any other person for the purpose aforesaid, and any person having the care or management of or in any manner assisting in conducting the business of any house, room or place opened, kept or used for the purposes aforesaid, is said to keep a common gaming house.

Gaming houses.

(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) Any person who keeps a common gaming house is guilty of a misdemeanour.

(4) Any person other than the persons mentioned in subsection (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 is guilty of a misdemeanour, and is liable to a fine of five pounds for the first offence, and for each subsequent offence to a fine of twenty-pounds or imprisonment for three months, or to both such fine and imprisonment.

Betting
houses.

162. Any house, room or place which is used for any of the purposes following, that is to say—

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

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

(b) any person procured or employed by or acting for or on behalf of any such owner, occupier or keeper, or person using the place; or

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

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

(a) 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

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

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Any person who, being the owner or occupier of any 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, is guilty of a misdemeanour, and is liable to imprisonment for one year:

Provided always that nothing herein contained shall make illegal the use of a totalisator by a race club, gymkhana club or sports club recognised by the Government at any public meeting, with the approval in each case of the Commissioner of Police. In this proviso, "totalisator" means and includes the instrument, machine or contrivance commonly known as the totalisator, and any other 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 like principles:

Totalisator.

Provided further that nothing herein contained shall render illegal the use of any house, room or place for the receipt or negotiation of any pool bet in pursuance of a licence issued under the provisions of section 4 of the Pool Betting (Licensing) Act.

Gam. 145.

163. (1) A lottery shall be deemed to be illegal unless it is authorised by the Commissioner of Police or by a police officer not below the rank of chief inspector of police to whom the power to authorise a lottery has been delegated in writing by the Commissioner of Police.

Lotteries.

A lottery may be authorised in pursuance of this section subject to such conditions as the Commissioner of Police or any officer acting on his behalf as aforesaid may see fit to impose.

2. Any person who opens, keeps or uses any place or otherwise carries on any lottery not authorised in the manner prescribed by this section or in contravention of any of the conditions imposed in pursuance of this section is guilty of a misdemeanour.

3. Any person who prints or publishes or causes to be printed or published any 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 pounds.

(4) In this section the term "lottery" includes any scheme or device for the sale, gift, disposal or distribution of any property depending upon 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 howsoever.

(5) When any 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 Her Majesty of any instrument or thing used in connection with the lottery concerning which the conviction has taken place.

Keeper of premises defined.

164. Any person who appears, acts, or behaves as master or mistress, or as the person having the care or management of any such house, room, set of rooms, or place as is mentioned in sections 161, 162 and 163 is to be taken to be the keeper thereof, whether he is or is not the real keeper.

Traffic in obscene publications.

165. Any person who—

- (1) sells, lets to hire, distributes, or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever; or
- (2) imports, exports or conveys any 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; or
- (3) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited, or in any manner put into circulation; or
- (4) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which

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is an offence under this section, or that any such obscene
object can be procured from or through any person; or
(5) exhibits any indecent show or performance in any public
place,

is guilty of a misdemeanour.

Every person committing any such misdemeanour as aforesaid
forfeits to Her Majesty all obscene books, pamphlets, papers,
drawings, paintings, representations or figures or any other obscene
objects whatsoever connected with the committing of such mis-
demeanour.

166. The following persons—

Idle and
disorderly
persons.

- (1) every common prostitute behaving in a disorderly or indecent
manner in any public place;
- (2) every person playing at any game of chance for money or
money's worth in any public place;
- (3) every person who in any public place conducts himself in
a manner likely to cause a breach of the peace;
- (4) every person who publicly without lawful excuse does any
indecent act; and
- (5) every person who in any public place persistently solicits or
importunes for immoral purposes,

shall be deemed idle and disorderly persons, and shall be liable to
imprisonment for one month or to a fine not exceeding two pounds
or to both.

167. The following persons—

Rogues and
vagrants.

- (1) every person convicted of an offence under the last preceding
section after having been previously convicted of an offence
against this Code;
- (2) every person going about as a gatherer or collector of alms,

There is also another class of idle and disorderly person mentioned in section 34 of
the Police Act (Cap. 117).

or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence;

- (3) every suspected person or reputed thief who has no visible means of subsistence and cannot give a good account of himself;
- (4) every person found wandering in or upon or near any premises or in any road or highway or any place adjacent thereto or in any public place at such time and under such circumstances as to lead to the conclusion that such person is there for an illegal or disorderly purpose;

shall be deemed to be a rogue and vagabond, and shall be guilty of a misdemeanour, and shall be liable for the first offence to imprisonment for three months, and for every subsequent offence to imprisonment for one year.

Criminal
charms.

168. (1) Any person who—

- (a) makes, lends, sells, keeps or offers for sale or for hire or reward, any fetish or charm which is pretended or reputed to possess power to protect burglars, robbers, thieves, or other malefactors, or to aid or assist in any way in the perpetration of any burglary, house-breaking, robbery or theft, or in the perpetration of any offence whatsoever, or to prevent, hinder or delay the detection of or conviction for any offence whatsoever; or
- (b) is found having in his possession without lawful and reasonable excuse (the proof of which excuse shall lie on such person) any such fetish or charm as aforesaid,

is guilty of a felony and is liable to imprisonment for three years.

(2) Where any person is convicted of an offence under this section the court may order that any criminal charm used in connection with any such offence shall be forfeited to Her Majesty.

Wearing of
uniform
without
authority
prohibited.

169. (1) Any person who, not being a person serving in Her Majesty's naval, military or air forces, or in any constabulary or police force in the Commonwealth, wears without the permission of the Governor-General the uniform of any of those forces, or any

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dress having the appearance or bearing any of the regimental or
other distinctive marks on such uniform, is guilty of a misdemeanour,
and is liable to imprisonment for one month or to a fine of twenty
five pounds:

Provided that nothing in this section shall prevent any person
from wearing any uniform or dress in the course of a stage play
performed in any 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 representa-

(2) Any person who unlawfully wears the uniform of any of the
forces aforesaid, or any dress having the appearance or bearing any
of the regimental or other distinctive marks of any such uniform,
in such a manner or in such circumstances as to be likely to bring
contempt on that uniform, or employs any other person so to wear
such uniform or dress, is guilty of a misdemeanour, and is liable to
imprisonment for three months or to a fine of fifty pounds.

(3) Any person who, not being in the service of The Gambia or
having previously received the written permission of the Governor-
General so to do, imports or sells or has in his possession for sale any
such uniform as aforesaid, or the buttons or badges appropriate
thereto, is guilty of a misdemeanour, and is liable to imprisonment
for six months, or to a fine of one hundred pounds.

(4) When any person shall have been convicted of any offence
under this section, the uniform, dress, button, badge or other thing
in respect of which the offence has been committed shall be forfeited.

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

171. Any person who subjects any article of food or drink to
such treatment as to make such article noxious as food or drink or
of less nutritive value, intending to sell such article as food or drink,
or knowing it to be likely that the same will be sold as food or drink,
is guilty of a misdemeanour.

Bringing
contempt on/
uniform.

Importation
and sale of
uniform, etc.,
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authority
prohibited.

Forfeiture
of uniform,
etc., on
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Adulteration
of food or
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Sale of
noxious
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172. Any person who sells, or offers or exposes for sale, as food or drink, any 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, is guilty of a misdemeanour.

Adulteration
of drugs.

173. Any person who adulterates any drug or medical preparation in such manner as to lessen the efficacy or change the operation of such 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, is guilty of a misdemeanour.

Sale of
adulterated
drugs.

174. Any person who, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation or to render it noxious, sells the same, or 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 any person not knowing of the adulteration, is guilty of a misdemeanour.

Fouling
water.

175. Any person who voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour.

Fouling air.

176. Any 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, is guilty of a misdemeanour.

Offensive
trades.

177. Any 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 and is liable to be punished as for a common nuisance.

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CHAPTER XVIII.—DEFAMATION

178. Any person who, by print, writing, painting, effigy, or by any means otherwise than solely by gestures, spoken words, or other sounds, unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, is guilty of the misdemeanour termed "libel".

Definition of libel.

179. Defamatory matter is matter likely to injure the reputation of any person by exposing him to hatred, contempt or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation. It is immaterial whether at the time of the publication of the defamatory matter the person concerning whom such matter is published is living or dead:

Definition of defamatory matter.

Provided that no prosecution for the publication of defamatory matter concerning a dead person shall be instituted without the consent of the Attorney-General.

180. (1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery, or otherwise, as that the defamatory meaning thereof becomes known is or likely to become known to either the person defamed or any other person.

Definition of publication.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed; and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

181. Any publication of defamatory matter concerning a person is unlawful within the meaning of this Chapter, unless (a) the matter is true and it was for the public benefit that it should be published, or (b) it is privileged on one of the grounds hereafter mentioned in this Chapter.

Definition of unlawful publication.

182. (1) The publication of defamatory matter is absolutely privileged, and no person shall under any circumstances be liable to punishment under this Code in respect thereof, in any of the following cases, namely—

Cases in which publication of defamatory matter is absolutely privileged.

(2) If the matter is published by the Governor-General or by the

- Cabinet or the House of Representatives, in any official document or proceeding; or
- (b) if the matter is published in the Cabinet or the House of Representatives by any member of such bodies; or
 - (c) if the matter is published by order of the Governor-General as advised by the Cabinet; or
 - (d) if the matter is published concerning a person subject to naval or military discipline for the time being, and relates to his conduct as a person subject to such discipline, and is published by some person having authority over him in respect of such conduct, and to some person having authority over him in respect of such conduct; or
 - (e) if the matter is published in the course of any judicial proceedings by a person taking part therein as a judge or magistrate or commissioner or counsel or juror or assessor or witness or party thereto; or
 - (f) if the matter published is in fact a fair report of anything said, done or published in the Cabinet or the House of Representatives; or
 - (g) if the person publishing the matter is legally bound to publish it.

(2) Where a publication is absolutely privileged, it is immaterial for the purposes of this Chapter whether the matter be true or false, and whether it be or be not known or believed to be false, and whether it be or be not published in good faith:

Provided that nothing in this section shall exempt a person from any liability to punishment under any other Chapter of this Code or under any other Act in force within The Gambia.

Cases in which publication of defamatory matter is conditionally privileged.

183. The publication of defamatory matter is privileged if it is published in good faith and—

- (1) if the relation between the parties by and to whom the publication is made is such that the person publishing the matter is under some legal, moral or social duty to publish it to the person to whom the publication is made or has a legitimate personal interest in so publishing it; or;

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- (2) if the matter published is in fact a fair report of anything said, done or shown in a civil or criminal inquiry or proceeding before any court:

Provided that if the court prohibits the publication of anything said or shown before it, on the ground that it is seditious, immoral, or blasphemous, the publication thereof shall not be privileged; or

- (3) if the matter published is a copy or reproduction, or in fact a fair abstract, of any matter which has been previously published, and the previous publication of which was or would have been privileged under the last preceding section; or

- (4) if the matter is an expression of opinion in good faith as to the conduct of a person in a judicial, official or other public capacity, or as to his personal character so far as it appears in such conduct; or

- (5) if the matter is an expression of opinion in good faith as to the conduct of a person in relation to any public question or matter, or as to his personal character so far as it appears in such conduct; or

- (6) if the matter is an expression of opinion in good faith as to the conduct of any person as disclosed by evidence given in a public legal proceeding, whether civil or criminal, or as to the conduct of any person as a party, witness or otherwise in any such proceeding, or as to the character of any person so far as it appears in any such conduct as in this paragraph mentioned; or

- (7) if the matter is an expression of opinion in good faith as to the merits of any book, writing, painting, speech, or other work, performance or act published or publicly done or made or submitted by a person to the judgment of the public, or as to the character of the person so far as it appears therein; or

- (8) if the matter is a censure passed by a person in good faith on the conduct of another person in any matter in respect of

which he has authority, by contract or otherwise, over the other person, or on the character of the other person so far as it appears in such conduct; or

- (9) if the matter is a complaint or accusation made by a person in good faith against another person in respect of his conduct in any matter, or in respect of his character so far as it appears in such conduct, to any person having authority, by contract or otherwise, over that other person in respect of such conduct or matter, or having authority by law to inquire into or receive complaints respecting such conduct or matter; or
- (10) if the matter is published in good faith for the protection of the rights or interests of the person who publishes it, or of the person to whom it is published, or of some person in whom the person to whom it is published is interested.

Explanation
as to good
faith.

184. A publication of defamatory matter shall not be deemed to have been made in good faith by a person, within the meaning of the last preceding section, if it is made to appear either—

- (a) that the matter was untrue, and that he did not believe it to be true; or
- (b) that the matter was untrue, and that he published it without having taken reasonable care to ascertain whether it was true or false; or
- (c) that, in publishing the matter, he acted with intent to injure the person defamed in a substantially greater degree or substantially otherwise than was reasonably necessary for the interest of the public or for the protection of the private right or interest in respect of which he claims to be privileged.

Presumption
as to good
faith.

185. If it is proved, on behalf of the accused person, that the defamatory matter was published under such circumstances that the publication would have been justified if made in good faith, the publication shall be presumed to have been made in good faith until the contrary is made to appear, either from the libel itself or from the evidence given on behalf of the accused person, or from evidence given on the part of the prosecution.

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Division IV.—Offences Against the Person

CHAPTER XIX.—MURDER AND MANSLAUGHTER.

186. Any person who by an unlawful act or omission causes the death of another person is guilty of the felony termed manslaughter. Man-slaughter.
 An unlawful omission is an omission amounting to culpable negligence to discharge a duty tending to the preservation of life or health, whether such omission is or is not accompanied by an intention to cause death or bodily harm.

187. Any person who of malice aforethought causes the death of another person by an unlawful act or omission is guilty of murder. Murder.

188. Any person convicted of murder shall be sentenced to death. Punishment of murder.

189. Any person who commits the felony of manslaughter is liable to imprisonment for life. Punishment of manslaughter.

190. Malice aforethought shall be deemed to be established by evidence proving any one or more of the following circumstances— Malice aforethought.

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

(2) knowledge that the act or omission causing death will probably cause the death of or grievous harm to some person, whether such person is the person actually killed or not, although such 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;

(3) being violent measures in the commission of, or attempt at, a felony;

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

191. When a person who unlawfully kills another under circumstances which, but for the provisions of this section, would constitute Killing on provocation.

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 passion to cool, he is guilty of manslaughter only.

Provocation defined.

192. The term "provocation" means and includes, except as hereinafter stated, any wrongful act or insult of such a nature as to be likely, when done to an ordinary person, or in the presence of an ordinary person to another person who is under his immediate care, or to whom he stands in a conjugal, parental, filial, or fraternal relation, or in the relation of master or servant, to deprive him of the power of self-control and to induce him to assault the person by whom the act or insult is done or offered.

When such an act or insult is done or offered by one person to another, or in the presence of another to a person who is under the immediate care of that other, or to whom the latter stands in any such relation as aforesaid, the former is said to give to the latter provocation for an assault.

A lawful act is not provocation to any person for an assault.

An act which a person does in consequence of incitement given by another person in order to induce him to do the act and thereby to furnish an excuse for committing an assault is not provocation to that other person for an assault.

An arrest which is unlawful is not necessarily provocation for an assault, but it may be evidence of provocation to a person who knows of the illegality.

Diminished responsibility.

192A. (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 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 disease or injury) as substantially impaired his mental responsibility for his 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 such abnormality of mind as is mentioned in subsection (1) of this section.

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guilty of the murder or of r, and the court is satisfied normality of mind (whether or retarded development or ced by disease or injury) responsibility for his acts and the murder, the court shall at the accused was guilty lity.

be for the defence to pro g from such abnormality of this section.

(3) Where any such special finding as is mentioned in subsection (1) of this section is made the court shall not sentence the accused to death but shall sentence him to be detained during Her Majesty's pleasure and the provisions of section 255 of the Criminal Procedure Code shall apply as if the accused were a person sentenced to be detained under that section.

Cap. 39.

(4) The fact that one party to a murder is by virtue of this section not liable to be sentenced to death shall not affect the question whether any other party to it shall be sentenced to death.

192B. (1) It shall be manslaughter, and shall not be murder, for a person acting in pursuance of a suicide pact between him and another to kill the other or be a party to the other killing himself or being killed by a third person.

Suicide pacts.

(2) Where it is shown that a person charged with the murder of another killed the other or was a party to his killing himself 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 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 own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact unless it is done while he has the settled intention of dying in pursuance of the pact.

193. A person is deemed to have caused the death of another person although his act is not the immediate or the sole cause of death in any of the following cases—

Causing death defined.

(1) if he 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) if he 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 mode of living;
- (c) if by actual or threatened violence he causes such other person to perform an act which causes the death of such person, such act being a means of avoiding such violence which in the circumstances would appear natural to the person whose death is so caused;
- (d) if by any act or omission he hastened the death of a person suffering under any disease or injury which apart from such act or omission would have caused death;
- (e) if his 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.

When child
deemed to be
a person.

194. 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.

Limitation
as to time of
death.

195. A person is not deemed to have killed another if the death of that person does not take place within a year and a day of the cause of death.

Reckoning
of period.

196. The period mentioned in section 195 is reckoned inclusive of the day on which the last unlawful act contributing to the cause of death was done.

When the cause of death is an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the omission ceased.

When the cause of death is in part an unlawful act, and in part an omission to observe or perform a duty, the period is reckoned inclusive of the day on which the last unlawful act was done or the day on which the omission ceased, whichever is the later.

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CHAPTER XX.—INFANTICIDE AND CHILD DESTRUCTION

197. Where a woman by any wilful act or omission causes the death of her child being a child under the age of twelve months, but 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, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of the felony of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child. Infanticide.

198. Subject as hereinafter in this section provided, any 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, shall be guilty of the felony of child destruction, and shall be liable on conviction to imprisonment for life. Child destruction.

Provided that no person shall be found guilty 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.

199. For the purposes of the last preceding section, 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. Evidence of pregnancy.

CHAPTER XXI.—OTHER OFFENCES CONNECTED WITH MURDER AND SUICIDE

200. Any person who—

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

(2) with intent unlawfully to cause the death of another does

any act or omits to do any act which it is his duty to do,

such act or omission being of such a nature as to be likely to

endanger human life,

shall be guilty of a felony, and is liable to imprisonment for seven years. Attempt to murder.

Attempt to
murder by
convict.

201. Any person who, being under sentence of imprisonment for three years or more, attempts to commit murder, is liable to imprisonment for life, with or without corporal punishment.

Accessory
after the
fact to
murder.

202. Any person who becomes an accessory after the fact to murder is guilty of a felony, and is liable to imprisonment for life.

Written
threats to
murder.

203. Any person who, knowing the contents thereof, directly or indirectly causes any person to receive any writing threatening to kill any person is guilty of a felony, and is liable to imprisonment for seven years.

Conspiracy
to murder.

204. Any person who conspires with any other person to kill any person, whether such person is in The Gambia or elsewhere, is guilty of a felony, and is liable to imprisonment for fourteen years.

Aiding
suicide.

205. Any person who—
(1) procures another to kill himself; or
(2) counsels another to kill himself and thereby induces him to do so; or
(3) aids another in killing himself,
is guilty of a felony, and is liable to imprisonment for life.

Attempting
suicide.

206. Any person who attempts to kill himself is guilty of a misdemeanour.

Concealing
the birth of
children.

207. Any person who, when a woman is delivered of a child, endeavours by any secret disposition of the dead body of the child to conceal the birth, whether the child died before, at, or after its birth, is guilty of a misdemeanour.

CHAPTER XXII.—OFFENCES ENDANGERING LIFE AND HEALTH

Disabling in
order to
commit
felony or mis-
demeanour.

208. Any person who, by any means calculated to choke, suffocate or strangle, and with intent to commit or to facilitate the commission of a felony or misdemeanour, or to facilitate the flight of an offender after the commission or attempted commission of a felony or

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RING LIFE AND HEALTH

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misdemeanour, renders or attempts to render any person incapable
of resistance, is guilty of a felony, and is liable to imprisonment for
life, with or without corporal punishment.

209. Any person who, with intent to commit or to facilitate the
commission of a felony or misdemeanour, or to facilitate the flight
of an offender after the commission or attempted commission of a
felony or misdemeanour, administers or attempts to administer any
stupefying or overpowering drug or thing to any person, is guilty of
a felony, and is liable to imprisonment for life.

Stupefying
in order to
commit
felony or mis-
demeanour.

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

Exposing,
etc.,
children.

211. Where it is proved that the death of an infant under three
years of age was caused by suffocation (not being suffocation caused
by disease or the presence of any foreign body in the throat or air-
passages of the infant) whilst the infant was in bed with some other
person over sixteen years of age, and that that other person was at
the time of going to bed under the influence of drink, that other
person shall be deemed to have neglected the infant in a manner likely
to cause injury to its health within the meaning of section 210.

Suffocation
of infants.

212. Any 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—

unlawfully wounds or does any grievous harm to any person
by any means whatever; or

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; or

unlawfully causes any explosive substance to explode; or

Acts
intended to
cause
grievous
harm or
prevent
arrest.

- (4) sends or delivers any explosive substance or other dangerous or noxious thing to any person; or
 - (5) causes any such substance or thing to be taken or received by any person; or
 - (6) puts any corrosive fluid or any destructive or explosive substance in any place; or
 - (7) 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,
- is guilty of a felony, and is liable to imprisonment for life

Preventing
escape from
wreck.

213. Any person who unlawfully —

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

is guilty of a felony and is liable to imprisonment for life.

Grievous
harm.

214. Any person who unlawfully does grievous harm to another is guilty of a felony, and is liable to imprisonment for seven years.

Attempting
to injure by
explosive
substances.

215. Any person who unlawfully, and with intent to do any harm to another, puts any explosive substance in any place whatever is guilty of a felony, and is liable to imprisonment for fourteen years.

Maliciously
administer-
ing poison
with intent
to harm.

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

Wounding
and similar
acts.

217. Any person who —

- (1) unlawfully wounds another; or
- (2) unlawfully, and with intent to injure or annoy any person

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to, or taken by, any person,
is guilty of a felony and is liable to imprisonment for three years.

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plies any such fluid or
ment for life

218. Any person who, being charged with the duty of providing
for another the necessities 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 health is or is likely to be permanently injured, is guilty of a
felony, and is liable to imprisonment for three years.

Failure to
supply
necessaries.

who is on board of, or is
distress or wrecked, in

219. 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 benefit, 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.

Surgical
operation.

urs to save the life of any
ment for life.

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

Excess of
force.

ricious harm to another
onment for seven years.

221. Notwithstanding anything contained in section 220, consent
by a person to the causing of his own death or his own maim does
not affect the criminal responsibility of any person by whom such
death or maim is caused.

Consent.

l with intent to do an
ce in any place whatever
onment for fourteen years.

CHAPTER XXXIII.—CRIMINAL RECKLESSNESS AND NEGLIGENCE

with intent to injure or
as thing to be administered
endangers his life, or does
d is liable to imprisonment

221A. Any person who by any rash or negligent act not amounting
to manslaughter, causes the death of another person is liable to
imprisonment for three years.

Rash or
negligent act
causing
death.

Person

222. Any 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

Reckless and
negligent
acts.

jure or annoy any person

223. Any person who drives any vehicle or rides on any public way; or
investigates or takes part in the navigation or working of,
any vessel or

- (e) 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 possession; or
- (d) omits to take precautions against any probable danger from any animal in his possession; or
- (e) gives medical or surgical treatment to any person whom he has undertaken to treat; or
- (f) dispenses, supplies, sells, administers, gives away or does any act with any medicine or poisonous or dangerous matter; or
- (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 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 possession,

is guilty of a misdemeanour.

Other
negligent
acts causing
harm.

223. Any person who unlawfully does any act, or omits to do any act which it is his duty to do, not being an act or omission specified in the last preceding section, by which act or omission harm is caused to any person, is guilty of a misdemeanour, and is liable to imprisonment for six months.

Exhibition
of false light,
mark or
buoy.

224. Any person who exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, is liable to imprisonment for seven years.

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

225. Any 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, is guilty of a misdemeanour.

Danger or
obstruction
in public
way or line
of
navigation.

226. Any person who by doing any act, or by omitting to take reasonable care with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, is liable to a fine.

227. An
misdemeanour
for which
imprisonment

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