

REPUBLIC OF KIRIBATI
(No. 13 of 2005)

I assent,

Beretitenti
29/12/2005

AN ACT TO AMEND THE CRIMINAL PROCEDURE CODE (CAP. 17)

Commencement:
2005

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

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

Amendment of section 15

2. Section 15 of the Criminal Procedure Code is amended by repealing the whole of subsection (2) and substituting the following -

“ (2)(a) Any police officer may, based upon reasonable circumstances and after consultation with his or her immediate senior officer, at any time, for the purpose of preventing or detecting the commission of an offence may enter without warrant and with or without assistants, board any vessel and may remain on board for such reasonable time as he may deem expedient, and may search with or without assistants any and every part of such vessel and, after demand and refusal of keys, may break open any receptacle, and upon

- (i) discovery of any property which he may reasonably suspect to have been stolen or unlawfully obtained,
- (ii) identifying a person whom he may personally suspect to have committed an offence or is likely to commit an offence, or,
- (iii) identifying a person whom he may reasonably suspect to be the victim of an offence being committed or likely to be committed,

may take possession of and detain such property or person, and may also detain the person in whose possession the stolen property is found, or a person who has committed or is likely to commit an offence, or a person in whose care or custody the victim of the offence being committed or likely to be committed is found.

- (b) Such police officer may pursue and detain any person who is in the act of conveying any such property or person away from any such vessel, or after such person has landed with the property or person so conveyed away or found in his possession or care or has landed with the person suspected to be a victim of the offence committed or likely to be committed."

THE CRIMINAL PROCEDURE CODE (AMENDMENT) ACT 2005

Explanatory Memorandum

With the problems of girls boarding foreign vessels and suspected of engaging in sexual activities with the sailors thereon, the police have been critical of the present criminal procedure, for not giving them sufficient power to board these vessels and prevent crimes being committed thereon. These crimes relate to engaging in sexual activities with girls under 15 years of age specified under the Penal Code.

The amendment to section 15 of the Criminal Procedure Code seeks to empower police officers for the purpose of preventing or detecting commission of offence to enter without warrant and board any vessel and may search and may break open any receptacle, and upon discovery of the person suspected to have committed an offence, or is involved in the commission of the offence or upon discovery of a victim of the offence committed or likely to be committed may take possession of that person involved in the commission of the offence, or a victim of the offence, and may also detain the person who has committed or likely to commit an offence against the victim, or in whose care or custody the victim of the offence being committed or likely to be committed is found. The police officer needs to consult his or her immediate senior officer before exercising the power under this section.

Titabu Tabane
Attorney-General
7 November 2005