

Judicial  
officers.

13. Except as expressly provided by this Code, a judicial officer is not criminally responsible for anything done or omitted to be done by him in the exercise of his judicial functions, although the act done is in excess of his judicial authority or although he is bound to do the act omitted to be done.

Compulsion.

14. A person is not criminally responsible for an offence if it is committed by two or more offenders and if the act is done or omitted only because during the whole of the time in which it is being done or omitted the person is compelled to do or omit to do the act by threats on the part of the other offender or offenders instantly to kill him or do him grievous bodily harm if he refuses; but threats of future injury do not excuse any offence.

Necessity.

15. An act or omission which would otherwise be an offence shall be excused if the person accused can show that it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed would have inflicted upon him or upon others whom he was bound to protect inevitable and irreparable evil, that no more was done than was reasonably necessary for that purpose, and that the evil inflicted by it was not disproportionate to the evil avoided.

Use of force  
in effecting  
arrest.

15A. Where any person is charged with a criminal offence arising out of the arrest, or attempted arrest, by him of a person who forcibly resists such arrest or attempts to evade being arrested, the court shall, in considering whether the means used were necessary, or the degree of force used was reasonable, for the apprehension of such person, have regard to the gravity of the offence which had been or was being committed by such person and the circumstances in which such offence had been or was being committed by such person.

Compulsion  
by husband.

16. A married woman is not free from criminal responsibility for doing or omitting to do an act merely because the act or omission takes place in the presence of her husband; but on a charge against a wife for any offence other than treason or murder, it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

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#### CHAPTER IV

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from the date on which he was so remanded, be entitled to be discharged from custody on entering into a recognisance without sureties unless within that period the Attorney-General has consented to such further proceedings as aforesaid.

CHAPTER VIII.—OFFENCES AFFECTING RELATIONS WITH  
FOREIGN STATES AND EXTERNAL TRANQUILITY

Defamation  
of foreign  
princes.

**60.** Any person who, without such justification or excuse as would be sufficient in the case of the defamation of a private person, publishes anything intended to be read, or any sign or visible representation, tending to degrade, revile or expose to hatred or contempt any foreign prince, potentate, ambassador, or other foreign dignitary with intent to disturb peace and friendship between the United Kingdom or The Gambia and the country to which such prince, potentate, ambassador or dignitary belongs, is guilty of a misdemeanour.

Foreign  
enlistment.

**61.** Any person commits a misdemeanour who does any of the following acts without the licence of Her Majesty, signified by proclamation, that is to say—

- (a) who prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, or is engaged in such preparation or fitting-out, or assists therein, or is employed in any capacity in such expedition; or
- (b) who, being a citizen of The Gambia, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state, or, whether a citizen of The Gambia or not, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid; or
- (c) who, being a citizen of The Gambia, quits or goes on board any vessel with a view of quitting The Gambia, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a citizen of The Gambia or not, induces any

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other person to quit or to go on board any vessel with a view  
of quitting The Gambia with the like intent; or

- (d) who, being the master or owner of any vessel, knowingly  
either takes on board, or engages to take on board, or has on  
board such vessel, any illegally enlisted person; or
- (e) who, with intent or knowledge, or having reasonable cause  
to believe that the same will be employed in the military or  
naval service of any foreign state at war with any friendly  
state, builds, agrees to build, causes to be built, equips,  
despatches, or causes or allows to be despatched, any vessel,  
or issues or delivers any commission for any vessel:

Provided that a person building, causing to be built, or equip-  
ping a vessel in any of the cases aforesaid, in pursuance of a contract  
made before the commencement of such war as aforesaid, is not  
liable to any of the penalties specified in this section in respect of such  
building or equipping if—

- (i) upon a proclamation of neutrality being issued by Her  
Majesty he forthwith gives notice to the Governor-General  
that he is so building, causing to be built, or equipping such  
vessel, and furnishes such particulars of the contract and of  
any matters relating to, or done, or to be done under the  
contract as may be required by the Governor-General; and
- (ii) he gives such security, and takes and permits to be taken such  
other measures, if any, as the Governor-General may  
prescribe for ensuring that such vessel shall not be despatched,  
delivered, or removed without the licence of Her Majesty  
until the termination of such war as aforesaid.

62. Any person who is guilty of piracy or any crime connected  
with or relating or akin to piracy which would have been, immedi-  
ately before the 18th day of February, 1965, an offence against the  
law of England shall be punished according to the law in force at  
that time. Piracy.

CHAPTER IX.—UNLAWFUL ASSEMBLIES, RIOTS AND OTHER  
OFFENCES AGAINST PUBLIC TRANQUILLITY

63. (1) A society includes any combination of ten or more persons  
whether the society be known by any name or not. Unlawful  
society.

(2) A society is an unlawful society if formed for any of the following purposes—

- (a) levying war or encouraging or assisting any person to levy war on the Government or the inhabitants of any part of The Gambia; or
- (b) killing or injuring or inciting to the killing or injuring of any person; or
- (c) destroying or injuring or inciting to the destruction or injuring of any property; or
- (d) subverting or promoting the subversion of the Government or of its officials; or
- (e) committing or inciting to acts of violence or intimidation; or
- (f) interfering with, or resisting, or inciting to interference with or resistance to the administration of the law; or
- (g) disturbing or inciting to the disturbance of peace and order in any part of The Gambia.

Managing  
unlawful  
society.

**64.** Any person who manages or assists in the management of an unlawful society is guilty of a felony and is liable to imprisonment for seven years.

Being  
member of  
unlawful  
society.

**65.** Any person who—

- (a) is a member of an unlawful society; or
- (b) knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control,

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

Prosecutions  
under  
sections 64  
and 65.

**66.** (1) A prosecution for an offence under the two last preceding sections shall not be instituted except with the consent of the Attorney-General:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed,

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and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(2) In any prosecution for an offence under the two last preceding sections it shall not be necessary to prove that the society consisted of ten or more members; but it shall be sufficient to prove the existence of a combination of persons, and the onus shall then rest with the accused to prove that the number of members of such combination did not amount to ten.

(3) Any person who attends a meeting of an unlawful society shall be presumed, until and unless the contrary is proved, to be a member of the society.

(4) Any person who has in his possession or custody or under his control any of the insignia, banner, arms, books, papers, documents or other property belonging to an unlawful society, or wears any of the insignia, or is marked with any mark of the society, shall be presumed, unless and until the contrary is proved, to be a member of the society.

67. Any magistrate or any police officer authorised by warrant of a magistrate may enter with or without assistance any house or building or into any place in which he has reason to believe that a meeting of an unlawful society, or of persons who are members of an unlawful society, is being held, and to arrest or cause to be arrested all persons found therein, and to search such house, building or place, and seize or cause to be seized all insignia, banners, arms, books, papers, documents and other property which he may have reasonable cause to believe to belong to any unlawful society or to be in any way connected with the purpose of the meeting.

Power of entry, arrest, search, etc.

For the purposes of this section the expression " police officer " means any police officer not below the rank of sub-inspector.

68. The insignia, banners, arms, books, papers, documents and other property belonging to an unlawful society shall be forfeited to Her Majesty, and shall be dealt with in such manner as the Minister may direct.

Forfeiture of insignia, etc.

## Definitions.

69. When three or more persons assemble with intent to commit an offence, or, being assembled with intent to carry out some common purpose, conduct themselves in such a manner as to cause persons in the neighbourhood reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such assembly needlessly and without any reasonable occasion provoke other persons to commit a breach of the peace, they are an unlawful assembly.

## Unlawful assembly.

It is immaterial that the original assembling was lawful if, being assembled, they conduct themselves with a common purpose in such a manner as aforesaid.

## Riot.

When an unlawful assembly has begun to execute the purpose for which it assembled by a breach of the peace and to the terror of the public, the assembly is called a riot, and the persons assembled are said to be riotously assembled.

## Punishment of unlawful assembly.

70. Any person who takes part in an unlawful assembly is guilty of a misdemeanour, and is liable to imprisonment without hard labour for one year.

## Punishment of riot.

71. Any person who takes part in a riot is guilty of a misdemeanour.

## Making proclamation for rioters to disperse.

72. Any magistrate or, in his absence, any commissioned officer of police, or any commissioned officer in the military forces of The Gambia, in whose view twelve or more persons are riotously assembled, or who apprehends that a riot is about to be committed by twelve or more persons assembled within his view, may make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

## Dispersion of rioters after proclamation made.

73. If upon the expiration of a reasonable time after such proclamation made, or after the making of such proclamation has been prevented by force, twelve or more persons continue riotously assembled together, any person authorised to make proclamation, or any police officer, or any other person acting in aid of such person or police officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them,

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and, if any person makes resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having, by the use of such force, caused harm or death to any person.

74. If proclamation is made, commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of a reasonable time from the making of such proclamation, takes or continues to take part in the riot or assembly, is guilty of a felony, and is liable to imprisonment for five years.

Rioting after proclamation.

75. Any person who forcibly prevents or obstructs the making of such proclamation as is in section 72 mentioned, is guilty of a felony, and is liable to imprisonment for ten years; and if the making of the proclamation is so prevented, every person who, knowing that it has been so prevented, takes or continues to take part in the riot or assembly, is liable to imprisonment for five years.

Preventing or obstructing the making of proclamation.

76. Any persons who, being riotously assembled together, unlawfully pull down or destroy, or begin to pull down or destroy any building, machinery or structures are guilty of a felony, and each of them is liable to imprisonment for life.

Rioters demolishing buildings, etc.

77. Any persons who, being riotously assembled together, unlawfully damage any of the things in the last preceding section mentioned, are guilty of a felony, and each of them is liable to imprisonment for seven years.

Rioters injuring buildings, machinery, etc.

78. All persons are guilty of a misdemeanour who, being riotously assembled, unlawfully and with force prevent, hinder or obstruct the loading or unloading of any vehicle or vessel, or the starting or transit of any vehicle, or the sailing or navigation of any vessel, or unlawfully and with force board any vehicle or vessel with intent to do so.

Riotously interfering with vehicle or vessel.

79. Any person who goes armed in public without lawful occasion in such a manner as to cause terror to any person is guilty of a misdemeanour, and his arms may be forfeited.

Going armed in public.

Forcible entry.

80. Any person who, in order to take possession thereof, enters on any lands or tenements in a violent manner, whether such violence consists in actual force applied to any other person or in threats or in breaking open any house or in collecting an unusual number of people, is guilty of the misdemeanour termed forcible entry.

It is immaterial whether he is entitled to enter on the land or not, provided that a person who enters upon lands or tenements of his own, but which are in the custody of his servant or bailiff, does not commit the offence of forcible entry.

Forcible detainer.

81. Any person who, being in actual possession of land without colour of right, holds possession of it, in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace, against a person entitled by law to the possession of the land is guilty of the misdemeanour termed forcible detainer.

Affray.

82. Any person who takes part in a fight in a public place, is guilty of a misdemeanour, and is liable to imprisonment for one year.

Challenge to fight a duel.

83. Any person who challenges another to fight a duel, or attempts to provoke another to fight a duel, or attempts to provoke any person to challenge another to fight a duel, is guilty of a misdemeanour.

Threatening violence.

84. Any person who—

(a) with intent to intimidate or annoy any person, threatens to injure, assault, shoot or kill any person, or to burn, break or injure any property; or

(b) with intent to alarm any person discharges a firearm or commits any other breach of the peace,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three years.

Assembling for the purpose of smuggling.

85. Any persons who assemble together, to the number of two or more, for the purpose of unshipping, carrying or concealing any goods subject to customs duty and liable to forfeiture under any la

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