

REPUBLIC OF KIRIBATI.  
(No. 7 of 1980).

I assent,

*Y. Teba*  
Beretitenti.  
26 August, 1980.

AN ACT TO AMEND THE PENAL CODE (CAP. 8).

Commencement: 26 August,  
1980.

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

Short title.

1. This Act may be cited as the Penal Code (Amendment) Act, 1980.

Amends the Penal Code by adding new section 83A. (Cap. 8).

2. The Penal Code is amended by inserting after section 83 the following section:

"Throwing or projecting objects. 83A. Any person who wilfully throws or in any other way projects any object, fluid or substance at any dwelling-house, vehicle or person shall be guilty of a misdemeanour".

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 21 August, 1980, and is found by me to be a true and correctly printed copy of the said Bill.

*Mami*

.....  
Clerk to the Maneaba ni  
Maungatabu.

I certify that the above Bill was on 21 August, 1980, passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.

*R. Enorio*

.....  
Speaker.

Published by exhibition at the Public Office of the Beretitenti on 26 August, 1980.

*R. Kimau*

.....  
Secretary to the Cabinet.

PENAL CODE (AMENDMENT) ACT, 1980

LEGAL REPORT.

I hereby certify my opinion that the above Act does not conflict with any provision of the Constitution and may properly be assented to by the Beretitenti.

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Michael Jennings  
Attorney General  
22 August, 1980

## PENAL CODE (AMENDMENT) ACT, 1980

## EXPLANATORY MEMORANDUM

This Act is intended to fill a gap in the criminal law by adding a new offence to the Penal Code.

Section 83A makes it an offence to throw or project objects or other things at houses, vehicles or persons. At present if the object strikes its target and causes damage or injury a prosecution can take place for malicious damage or assault, but if the object misses its target, even though serious damage or injury is narrowly avoided, it is often difficult to find an offence to fit the facts. If stones are thrown at a house and 3 or more persons are involved, they can be charged with unlawful assembly. If only one person is involved the only possible charge is criminal intimidation.

The new Section will enable the police to arrest a man and charge him with an offence which exactly fits the facts of the case.

Michael Jennings  
Attorney General