



ANGUILLA

A BILL FOR
CRIMINAL (AMENDMENT) CODE, 2026

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CRIMINAL (AMENDMENT) CODE, 2026

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I Assent

Julia Crouch, OBE
Governor

Date

ANGUILLA

No. /2026

A BILL FOR

CRIMINAL (AMENDMENT) CODE, 2026

[Gazette Dated: , 2026] [Commencement: Assent under section 57 of the Constitution]

An Act to amend Part 14 of the Criminal Code to clarify the law relating to rape, repeal the offence of sexual assault by a husband, remove gender-specific references and adopt gender-neutral language to ensure that the statutory language applies equally to all persons regardless of gender, and for related purposes.

ENACTED by the Legislature of Anguilla

Interpretation

1. In this Act, “the principal Code” means the Criminal Code.

Amendment to section 142

2. Section 142(2) of the principal Code is amended by deleting the word “he” and substituting “they”.

Amendment to section 147

3. Section 147(3) of the principal Code is deleted and substituted with the following—

“(3) Where a marriage is invalid under the Marriage Act, because the person is under the age of 16 years, the invalidity of the marriage does not make the other person guilty of an offence under this section by reason of the minor’s incapacity to consent while under that age, if they believe the minor to be their spouse, and have reasonable cause for the belief.”.

Amendment to section 150

4. Section 150(1) of the principal Code is deleted and substituted with the following—

“(1) Any person who knows that they are infected with the HIV virus and who has sexual intercourse with a minor between the ages of 16 and 18 years of age, with the

consent of that minor but without disclosing the fact of the infection to that minor, is guilty of an offence and is liable to imprisonment for 5 years.”.

Amendment to section 151

5. Section 151(2) of the principal Code is amended by deleting the words “he knowingly allows” and substituting “they knowingly allow”.

Amendments to section 154

6. Section 154 of the principal Code is amended—

- (a) in subsection (1) by deleting the word “his” and substituting “their”;
- (b) in subsection (2) by—
 - (i) deleting the word “him” wherever it occurs and substituting “them”, and
 - (b) deleting the words “he takes” and substituting “they take”; and
- (c) in subsection (3) by deleting the word “him” and substituting “the minor”.

Amendments to section 158

7. Section 158 of the principal Code is amended—

- (a) in paragraph (c) by deleting the word “he” and substituting “the minor”;
- (b) in paragraph (d) by deleting the words “he is” and substituting “they are”; and
- (c) in paragraph (e)—
 - (i) by deleting the words “he does” and substituting “they do”,
 - (ii) by deleting the words “he is” and substituting “they are”,
 - (iii) by deleting the words “he takes” and substituting “they take”,
 - (iv) by deleting the words “detains him” and substituting “detain that minor”,
 - (v) by deleting the words “he did” and substituting “they did”, and
 - (vi) by deleting the word “he” and substituting “they”.

Amendment to section 159

8. Section 159(1)(a)(i) of the principal Code is amended by deleting the words “he offers” and substituting “they offer”.

Amendments to section 160

9. Section 160 of the principal Code is amended—

- (a) in subsection (1) by—
 - (i) deleting the word “his” wherever it occurs and substituting “their”, and
 - (ii) deleting the words “him” and “he” wherever they occur and substituting “the minor”; and
- (b) in subsection (2) by deleting the words “he is” and substituting “they are”.

Amendment to section 161

10. Section 161(1) of the principal Code is amended by deleting the word “his” wherever it occurs and substituting “their”.

Amendments to section 162

11. Section 162 of the principal Code is amended—

- (a) in subsection (1)—
 - (i) by deleting the word “man” and substituting “person”, and
 - (ii) by deleting the words “a woman” and substituting “another person”;
- (b) by deleting subsection (2) and substituting the following—
 - “(2) A person commits rape if—
 - (a) they have unlawful sexual intercourse with another person who, at the time of intercourse, did not consent to it; and
 - (b) at that time, they know that the other person does not consent to the intercourse or they are reckless as to whether the other person consents to it.”;
- (c) in subsection (3)—
 - (i) by deleting the word “man” and substituting “person”, and
 - (ii) by deleting the words “a woman” and substituting “another person”;
- (d) by deleting subsection (5) and substituting the following—
 - “(5) For the purposes of this section, a person is deemed not to have consented to sexual intercourse if their acquiescence is obtained by threat of force or use of 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 person, by personating their spouse.”;

(e) by inserting the following subsection after subsection (6)—

“(6a) For the avoidance of doubt, any rule of the common law that, except in certain circumstances, a husband cannot be convicted of raping his wife, is abolished.”.

Amendments to section 164

12. Section 164 of the principal Code is amended—

- (a) by deleting the words “he is” wherever they occur and substituting “they are”;
- (b) in subsections (3)(a) and (b) by deleting the word “he” and substituting “they”; and
- (c) in subsection (3)(c) by deleting the words “he was” and substituting “they were”.

Amendments to section 165

13. The principal Code is amended by deleting section 165 and substituting the following—

“Unlawful sexual intercourse with a person suffering from a mental disorder

165. (1) Subject to the provisions of this section, a person who has unlawful sexual intercourse with another person who is suffering from a mental disorder commits an offence and is liable on conviction to imprisonment for 10 years.

(2) A person shall not be convicted of an offence under this section if they did not know and had no reason to suspect that the other person was suffering from a mental disorder.

(3) For the purposes of this section, it is immaterial that the unlawful sexual intercourse was had with consent.”.

Repeal of section 166

14. Section 166 of the principal Code is hereby repealed.

Amendment to section 169

15. The principal Code is amended by deleting section 169 and substituting the following—

“Abduction or kidnapping of a person with intent to marry, etc.

169. Any person who abducts or kidnaps another person with the intent to marry or have sexual intercourse with them, or to cause them to be married or to have sexual intercourse with any other person, commits an offence and is liable on conviction to imprisonment for 14 years.”.

Amendment to section 170

16. The principal Code is amended by deleting section 170 and substituting the following—

“Causing prostitution of a person

170. Any person who, within Anguilla, procures or attempts to procure a person—

- (a) to become a prostitute, whether within Anguilla or elsewhere;
- (b) to leave Anguilla, intending that person to become an inmate of or to frequent a brothel elsewhere; or
- (c) to leave their usual place of abode in Anguilla, intending the person to become an inmate of or to frequent a brothel in any part of the world for the purposes of prostitution;

commits an offence and is liable on conviction to imprisonment for 3 years.”.

Amendment to section 171

17. Section 171 of the principal Code is amended by deleting the word “woman” wherever it occurs and substituting “person”.

Amendment to section 172

18. The principal Code is amended by deleting section 172 and substituting the following—

“Administering drugs to facilitate sexual intercourse

172. A person (‘A’) who administers, or causes another person (‘B’) to take, any drug, matter, or thing with intent to stupefy or overpower that person so as to enable any other person (‘C’) to have unlawful sexual intercourse with that person (‘B’) commits an offence and is liable on conviction to imprisonment for 3 years.”.

Amendments to section 173

19. The principal Code is amended by deleting section 173 and substituting the following—

“Detention of a person in a brothel, etc.

173. (1) Any person who detains another person against their will on any premises with the intention that they shall have unlawful sexual intercourse with individuals or with a particular individual, or who detains a person against their will in a brothel, commits an offence and is liable on conviction to imprisonment for 4 years.

(2) Where a person is on any premises or in a brothel for the purpose of unlawful sexual intercourse, a person shall be deemed to detain them there, with intent to compel or induce them to remain, if that person—

- (a) withholds their clothes or other property; or
- (b) threatens legal proceedings if they remove clothes provided by or at the direction of that person.

(3) A person shall not be liable to any civil or criminal proceedings for taking away or being found in possession of any clothes that were needed to enable them to leave the premises or brothel where they were detained for the purpose of engaging in unlawful sexual intercourse.”.

Amendment to section 175

20. Section 175 of the principal Code is amended by deleting the word “he” and substituting “the person”.

Amendments to section 178

21. Section 178 of the principal Code is amended—

- (a) in subsection (1) by deleting the word “his” and substituting “their”; and
- (b) in subsection (2) by deleting the words “he is” and substituting “they are”.

Amendments to section 181

22. Section 181 of the principal Code is amended—

- (a) in subsection (1) by deleting the word “him” and substituting “them”;
- (b) by deleting the word “woman” wherever it occurs and substituting “person”;
- (c) in subsection (3)(b)(ii) by—
 - (i) deleting the word “his” wherever it occurs and substituting “their”, and
 - (ii) deleting the word “him” and substituting “them”; and
- (d) in subsection (3)(b)(iii) by—
 - (i) deleting the word “woman” and substituting person, and
 - (ii) deleting the word “her” and substituting “their”.

Amendment to section 183

23. Section 183(1)(b) of the principal Code is amended by deleting the words “he has” and substituting “they have”.

Citation

24. This Act shall be cited as the Criminal (Amendment) Code, 2026.

Tara Carter
Speaker

Passed by the House of Assembly this day of , 2026.

Lenox J. Proctor
Clerk of the House of Assembly

OBJECTS AND REASONS

(The objects and reasons do not form part of the Bill)

The Bill for consideration is the Criminal (Amendment) Code, 2026.

Clause 1 sets out the interpretation of the Bill.

Clauses 2 and 3 amend sections 142 and 147 to replace gender-specific wording with gender-neutral language.

Clause 4 amends section 150 by narrowing the age range for the offence of non-disclosure of HIV status from 16 years and over to 16 to 18 years (in line with the marginal note of the Code) and by adopting gender-neutral language.

Clause 5 amends section 151 to replace gender-specific wording with gender-neutral language.

Clauses 6 to 10 amend sections 154, 158, 159, 160 and 161 by substituting gender-specific references with neutral terminology and clarifying references to the minor and the person.

Clause 11 amends section 162 to redefine the offence of rape in gender-neutral terms, ensuring that the offence applies equally to all persons.

Clause 12 amends section 164 to replace gender-specific wording with gender-neutral language.

Clause 13 amends section 165 to substitute the provision with a gender-neutral offence relating to unlawful sexual intercourse with a person suffering from a mental disorder.

Clause 14 repeals section 166, which stated that a husband could commit sexual assault on his wife.

Clause 15 amends section 169 to replace gender-specific wording with gender-neutral language.

Clauses 16 to 22 amend sections 170, 171, 172, 173, 175, 178 and 181 to restate the offence relating to procuring a person for prostitution using gender-neutral language.

Clause 23 amends section 183 to replace gender-specific wording with gender-neutral language.

Clause 24 of the Bill deals with the citation provision.