

At the Court at Buckingham Palace

THE 13th DAY OF DECEMBER 2000

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

Her Majesty, by virtue and in exercise of the powers in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered, as follows:

Citation and commencement

1. (1) This Order may be cited as the Caribbean Territories (Criminal Law) Order 2000.
- (2) This Order shall come into force on 1st January 2001.

Extent of Order

2. (1) This Order extends to the following territories—
 - Anguilla
 - Cayman Islands
 - Montserrat
 - Turks and Caicos Islands
 - Virgin Islands.

(2) In the application of this Order to any of the said territories the expression “the territory” means territory.

Amendment of law relating to homosexual acts in private

3. (1) Notwithstanding any statutory or common law provision in force in the Territory to the contrary, a homosexual act in private shall not be an offence provided that the parties consent thereto and have attained the age of eighteen years.

(2) An act which would otherwise be treated for the purposes of this Order as being done in private shall not be so treated if done—

- (a) when more than two persons take part or are present; or
- (b) in a lavatory to which the public have or are permitted to have access, whether on payment or otherwise.

(3) A man who is suffering from severe mental handicap cannot in law give any consent which, by virtue of paragraph (1) of this article, would prevent a homosexual act from being an offence, but a person shall not be convicted, on account of the incapacity of such a man to consent, of an offence consisting of such an act if he proves that he did not know and had no reason to suspect that man to be suffering from severe mental handicap.

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