



JUDICIAL DEPARTMENT

LEGISLATION SERIES IN  
ENGLISH

**Penal Code**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## **Preface**

Since the establishment of Abu Dhabi Judicial Department (ADJD) pursuant to Law no. 23 of 2006, ADJD has promptly sought the independence of an excellent and effective system that provides world class judicial and legal services. To “safeguard the rule of law by ensuring justice, freedom and peace in society” has been adopted as the governing framework of this system.

Realizing its virtuous vision and mission statements, ADJD decided to print all the legislations which may be required during the life cycle of litigation before the Department courts. Derived by the fact that ADJD is a local government department, it is comprehensible that the focus would be primarily projected on the local laws issued by the local legislator of Abu Dhabi. In addition, as per Article 121 of the Constitution which empowers the federal legislator with the legislative authority pertaining to certain issues in a way that commits both federal and local judicial authorities to apply the local laws issued in accordance with this article, it was found necessary to print these legislations. Moreover, since international agreements, when adopted, are apprehended as regional governing laws for all competent authorities, it was found appropriate to print the international agreements and conventions signed or approved by the State.

Accordingly, ADJD commenced the publication of a set of federal and local legislations and international agreements which are considered indispensable in the adjudication process before the Department courts. Nevertheless, the Department is keen on facilitating and expediting the delivery of publication to the target audience, the printouts will be published in three different series with different designs and branding colors.

Finally, we hope that our efforts meet the expectations of the readers and satisfy the needs of judges, litigants and all concerned parties.

## **Abu Dhabi Judicial Department Introduction**

Penal Code is a set of legal provisions that determine the actions which are recognized as crimes and explain the penalties incurred upon them. The Code includes two types of rules: (First) general provisions which apply to all/most crimes and all/most penalties such as provisions related to the effectiveness of the Penal Code in terms of time duration, location, legitimization, responsibility or penalty preventatives and types of crimes and penalties. (Second), provisions of each individual crime which explain its facts and determine the appropriate penalty.

According to Article 121 of the UAE Constitution of 1971, the federation is authorized to pass laws in regards with “major legislations related to penalty laws”. The phrase “penalty laws” means – apparently – the Penal Code and special criminal laws. Based on this constitutional text, the Federal Legislator of UAE passed the Penal Code pursuant to Federal Law No. 3 of 1987 (the code was passed on December 8th 1987, published in the official gazette on December 20th 1987, and became effective after three months from the date of publication). The Penal Code comprised 434 articles distributed between two books. The first book includes the general provisions and is divided into nine chapters; first: preamble provisions, second: Penal Code application scope, third: crime, fourth: criminal responsibility and preventatives, fifth: penalty, sixth: pleas, stringent and relieved discretional circumstances, seventh: criminal plotting, eighth: social defense and ninth: comprehensive, criminal and judicial amnesty. The second book, on the other hand, includes crimes and penalties. It is divided into eight chapters; first: national security crimes and their interests, second: public office crimes, third: rule-of-justice violation crimes, fourth: public danger crimes, fifth: religious or ritual crimes, sixth: family crimes, seventh: individually incurred crimes and eighth: financial crimes.

According to the first article of the Federal Penal Code, “Islamic Sharia provisions shall apply to punishment, retribution and blood money crimes. Reprehension penalties and crimes shall be determined in accordance with the provisions of this Code and the other penal laws”. Thus, the Federal Legislator referred to the Islamic Sharia provisions in matters related to punishment, retribution and blood money crimes. Accordingly, the Federal Penal Code was set to be confined to determine crimes and reprehension penalties, and this conforms with the Islamic Sharia approach in criminalization and punishment. As Ibn ul Qayyim Al Jawziyyah stated “It is of Allah’s wisdom to legislate the penalties of crimes committed by people against each other whether in soul, body, honor or money such as murder, injury, defamation and robbery. The All Mighty masterfully perfected the restraints and penalties for these crimes and legislated them

thoroughly to include all aspects of punishment and prevention notwithstanding the punishment incurred upon the perpetrator". People should abide to the provisions of these boundaries. While in other aspect, the ruler is empowered to legislate and criminalize the acts which prejudice the social and individual interests. This type of crimes is conjunctly referred to with "reprehension". Reprehension includes a set of actions and behavior prohibited, yet not penalized, by Islamic Sharia.

Consequently, the context and meaning of UAE Federal Penal Code was set in conformity with Islamic Sharia provisions pertaining to matters of criminalization and punishment.

In the light of the perennial social development, and in order to avoid any legislative inconsistency as such, the Federal Penal Code was subjected to some amendments. Federal Law No 34 of 2005 amended some Federal Penal Code provisions. (This law was passed on December 24th 2005 corresponding to Zu Al Qaeda 22nd 1426H and published in the Official Gazette on December 31st 2005 corresponding to Zu Al Qaeda 29th 1426H. It became effective on the same day of publication). More provisions of the Code were further amended pursuant to Federal Law No 52 of 2006. (This law was passed on December 14th 2006 corresponding to Zu Al Qaeda 25th 1427H and published in the Official Gazette on December 28th 2006 corresponding to Zu Al Hijjah 8th 1427H. It became effective on the same day of publication).

This book contains the UAE Penal Code as per the latest amendments. We hope it becomes beneficial to all personnel concerned with law.

**ABU DHABI JUDICIAL DEPARTMENT**

**FEDERAL LAW NO.3/1987  
THE PENAL CODE**

## **Federal Law No (3) of 1987 Concerning Promulgating Penal Code**

**We, Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates,**

Having perused the provisional Constitution <sup>(1)</sup>.

And Federal Law No. (1) of 1972, concerning jurisdictions of the Ministries and powers of the Ministers and the amending laws thereof;

And Federal Law No. (9) of 1976, concerning juvenile delinquents and the homeless;

And in accordance with the proposal of the Minister of Justice, approved by the Council of Ministers and ratified by the Supreme Council of the Union;

**Promulgated the following law:**

### **Article 1**

The attached law shall apply to all crimes and penalties, and any other text conflicting with its provisions shall be abrogated.

### **Article 2**

Ministers and the concerned authorities in the UAE, each in its jurisdiction, must enforce this law.

### **Article 3**

This law shall be published in the Official Gazette and shall come into force three months after its date of publication.

## **BOOK ONE GENERAL PROVISIONS**

### **TITLE ONE INTRODUCTORY PROVISIONS**

#### **Article 1**

The provisions of the Islamic Shari'a shall apply to the crime of doctrinal punishment, punitive sanctions and blood money. Crimes and reprehensive sanctions shall be specified in accordance with the provisions of this code and the other penal laws.

**Article 2**

No one shall be answerable for a crime committed by another and the accused shall be presumed innocent until proved guilty.

**Article 3**

Unless otherwise provided, the provisions of book one of this Law shall apply to crimes provided for in other penal laws.

**Article 4**

No punitive measure shall be imposed except in cases and under the conditions provided for the law. Provisions relative to punishments shall, unless otherwise provided, apply to punitive measures.

**Article 5<sup>(1)</sup>**

The following shall be considered a public servant:

Those entrusted with the public authority's charges and those working in ministries and government departments.

Affiliates to the armed forces.

Chairmen and members of the legislative, consultative and municipal councils.

Whoever is empowered by any of the public authorities to perform a specific assignment, within the limits of the work entrusted thereto.

Chairmen, members of boards of directors, managers and all other employees working in public organizations and institutions.

Chairmen and members of boards of directors and all other employees working in public utility associations and institutions.

Shall be considered, under this law, as entrusted with public service, whoever is not included in one of the categories mentioned hereinabove and performs a work related to public service upon an

assignment duly issued thereto by a public servant having this power under the laws or established rules in relation to the work assigned thereto."

**Article 6**

In applying the provisions of the preceding Article (it is immaterial whether the job, work or service is permanent or temporary, with or without pay, voluntary or compulsory. Termination of



a job, work or service shall not bar the application of the provisions of the preceding Article (if the crime is perpetrated within the course of employment.

## **Article 7**

Unless the context of this law otherwise requires, "government" shall include the federal government and the governments of the Emirates members of the Union.

## **Article 8<sup>(1)</sup>**

Provisions contained in this law concerning crimes against the President of the State shall also apply to the crimes perpetrated against the Vice-President of the State, Federal Supreme Council members, heirs and deputies thereof.

## **Article 9**

Under this law, the following shall be considered means of publicity;

Speaking or shouting publicly through any mechanical means in a public gathering, in a public road or in a licensed or frequented place or if it is diffused by any other means.

Actions, signals or gestures if they take place in any of the aforementioned places or if they are transmitted to any person in such places by any mechanical or other means.

Writings, drawings, pictures, films, symbols and other means of expression exhibited in any of the aforementioned places or distributed indifferently to people, sold or offered to them for sale in any place.

## **Article 10**

Unless otherwise provided in the law, periods and delays in this law shall be computed according to the Gregorian calendar.

## **Article 11**

The provisions of this law shall in no case prejudice the rights of the litigants or others in being reimbursed, obtain damages or recover expenses or any other rights.



**TITLE TWO  
SCOPE OF APPLICATION OF THE PENAL CODE**

**CHAPTER ONE  
TRANSITORY APPLICATION OF THE LAW**

**Article 12**

A crime shall be sanctioned according to the law in force at the time of its perpetration. This law shall be determined at the time at which the acts of execution have been completed regardless of the time at which the result has been realized.

**Article 13**

If a law more favorable to the accused is enacted after the perpetration of a crime and before rendering a final judgment, it shall exclusive be applied. If he law is enacted after rendering a final judgment, that makes an act or omission committed by a convict non punishable, the judgment shall not be implemented and its penal effects shall cease to exist, unless the new law provides otherwise. Should the new law provide only for extenuation of a penalty, the court that rendered the final judgment may, at the request of the public prosecution or the convict, review the sentence in the light of the provisions of the new law.

**Article 14**

Excepting the provisions of the preceding article, if any law has been enacted rendering an act or omission a criminal offense or aggravating the prescribed penalty thereto, and provided that such law has been enacted temporarily for a short period or under fortuitous events, the expiration of the period specified for its effectiveness or the disappearance of the fortuitous events shall neither debar the prosecution of crimes perpetrated during such a period nor shall it preclude the enforcement of a penalty which had been imposed under such law.

**Article 15**

The new law shall apply to any continuous or successive crimes perpetrated prior to its coming into effect or crimes which repeatedly reoccur during the effective period of this law. Where the new law amends the provisions concerning recidivism or plurality of crimes or penalties, it shall apply to any crime that subjects the accused to provisions of plurality or according to which he becomes a recidivist even if the other crimes have been perpetrated prior to its application.

## **CHAPTER TWO**

### **APPLICATION OF LAW AS TO PLACE AND PERSONS**

#### **Article 16**

The provisions of this law shall apply to any one who perpetrates a crime within the territory of the State which shall consist of the lands and any place under its sovereignty, including territorial waters and air space there above. A crime shall be considered perpetrated in the territory of the State if any of its constituent acts occurs therein, or if the result has been, or is intended to be, realized therein.

#### **Article 17<sup>(1)</sup>**

The provisions of this law shall apply to crimes that are perpetrated onboard warships and military aircrafts bearing the flag of the State wherever they are. The above-mentioned provisions shall apply to nonmilitary governmental vessels owned or operated by the State for non-commercial purposes and as such commercial aircrafts and vessels bearing the flag of the State.

#### **Article 18<sup>(1)</sup>**

Without prejudice to the agreements and treaties to which the State is a party, provisions of this law shall not apply to crimes perpetrated on board a foreign ship in any of the Stat's ports or in its territorial waters, except in the following instances:

In case the effects of the crime extend to the State.

If the crime by nature disturbs the peace or violates public morals or good order in its ports or territorial waters.

If the shipmaster or consul of the State whose flag is hoisted seeks assistance from the local authorities.

Should the offender or victim be a citizen of the State.

If the vessel carries materials or objects internationally banned from negotiation, possession or commercialization.

This law, however, shall not apply to crimes perpetrated on board foreign aircrafts in the State air space unless the air- plane lands in any of the airports after perpetration of the crime, or if the crime by nature disturbs the peace in the State or violates its public policy, or if the crime violates the State navigation

## **Article 19**

The present law shall be applied to whomever perpetrates an action outside the state rendering him a perpetrator or an accomplice in a crime occurring entirely or partially inside the state.

## **Article 20**

This law applies to anyone who commits an act outside the state making him a principal or an accessory to any of the following crimes:

A crime that violates the external or internal security of the state, its constitutional system or its legally issued financial securities or stamps or that involves forgery or counterfeiting of states instruments or official seals.

Forgery, falsification or counterfeiting of the state's currency, circulating or possessing same for the purpose of circulation, whether such acts are carried out within or outside the state.

Forgery. Falsification or counterfeiting of paper notes or minted coins awful circulated in the state, promoting such currencies and coins therein, or possessing same for the purpose of circulation.

## **Article 21<sup>(1)</sup>**

This law shall apply to whoever is present in the state after being involved aboard as a principal offender or an accessory in an act of sabotage or impairment of international communication systems or in crimes of trafficking drugs or women or children or slavery or acts of piracy or international terrorism or money laundry.

## **Article 22**

A citizen, while in a foreign country, becomes involved in act which is considered a crime under the provisions of this law, whether as a principal or accessory, shall be sanctioned according to its provisions when he returns to the country, provided that such an act is punishable in accordance with the law of the country in which it is perpetrated. This provision shall apply to whoever acquires the nationality of the state after he perpetrates the act. For the purpose of applying this article, a stateless person shall be treated as a habitual resident in the country.

### **Article 23**

No criminal action shall be instituted against a person who perpetrates a crime in foreign country except by the public prosecutor. It may not be instituted against any person in whose favor a final acquittal or conviction has been passed by foreign courts and it is proved that he has served the sentence, if a criminal action or penalty against him has duly been forfeited or the competent authorities in such country have docketed the investigations.

In determining whether a judgment is final or whether a legal action, penalty or an investigation is foreclosed, reference shall be made to the law of the country in which the judgment has been rendered.

In case a sentence has not been fully served, its period should be completed.

However, if a verdict of innocence has been rendered in a crime provided for in articles 20 and 21 and the said verdict is based on the fact that the crime is not punishable by the law of the said country, a criminal action may be brought against him before the courts of the state where the courts of the capital of the federation shall have jurisdiction to examine the case.

### **Article 24**

In executing a sentence against a convict, the period, that he has served in custody, in detention under remand or in execution of the penalty in a foreign country for the crime for which he was convicted, shall be taken into account.

### **Article 25**

Without prejudice to the provision of the 1er paragraph of Article (1, this law shall not apply to persons who enjoy immunity under international agreements, international or domestic laws, within the territory of the United Arab Emirates State.

## **TITLE THREE**

### **THE CRIME**

#### **CHAPTER ONE**

#### **CLASSIFICATION OF CRIMES**

##### **Article 26**

Crimes shall be divided into:

Dogmatic crimes.

Punitive and blood-money crimes.

Reprehensive crimes.

Crimes are of three kinds: felonies, misdemeanors and contraventions. The kind of a crime shall be determined with regard to the penalty provided for it in the law. Where the crime is sanctioned by a penalty of fine or blood) money in conjunction with another penalty, it shall be classified according to this other penalty.

##### **Article 27**

The kind of crime shall not change in case the court decides to replace the penalty appertaining thereto with a more mitigated ne whether on grounds of legal excuses or because of discretionary extenuating circumstances, unless otherwise provided by law.

##### **Article 28**

A felony is a crime sanctioned by any of the following penalties:

Any of the dogmatic sanctions or punitive punishments except drunkenness and slander.

Capital punishment.

Life imprisonment.

Temporary incarceration.

### **Article 29<sup>(1)</sup>**

A misdemeanor is a crime sanctioned by one or more of the following penalties:

Imprisonment.

A fine in exceeding a thousand dirham.

Blood-money.

### **Article 30**

A contravention is every act or omission sanctioned in the laws or regulations by one or both of the two following penalties:

Detention for a period not less than twenty-four hours and not more than ten days by putting the convicted in special places reserved for this purpose.

A fine not exceeding a thousand dirham.

## **CHAPTER TWO**

### **BASIC ELEMENTS OF A CRIME**

#### **SECTION ONE**

#### **MATERIAL ELEMENT**

#### **1. CONSUMMATED CRIMES**

#### **Article 31**

The material element of a crime consists of a criminal activity of performing an act or forbearance there from when such performance or forbearance is criminal according to the law.

#### **Article 32**

A person shall not be answerable for a crime that is not the result of his criminal activity. He may however answer for the crime if his criminal activity contributed with another cause, previous or contemporary or subsequent, in its occurrence when- ever this cause is expected or likely to occur in the ordinary sequence of events. Where this cause alone is in itself sufficient to produce the result of the crime, the person shall not in this case be answer- able except for the act he perpetrated.



### **Article 33**

A crime limited in time is when the punishable act occurs and ends by its very nature as soon as it is perpetrated. A crime shall be considered transient when all the consecutive acts perpetrated in execution of a single criminal scheme are focused on one right without being separated by a period of time serving their link with each other. If, however, the act is a continuous process that requires a renewed intervention of the perpetrator for a period of time, the crime is then continuous regardless of whether the crime effects have persisted after the perpetration of the crime as long as the effects remained present without the intervention of the perpetrator.

### **Article 34**

An attempt is the commencement of the execution of an act with the intent of perpetrating a crime whenever its effect is stopped or fails of consummation for reasons beyond the will of the perpetrator. Shall be considered a commencement of execution, the perpetration of an act which is considered per se one of the constituent parts of the material element of the crime or immediate and directly leading to it. Unless otherwise provided for in the law, shall not be considered an attempt to perpetrate a crime, neither the mere intention to commit it nor the preparatory acts thereto.

### **Article 35**

Unless otherwise provided in the law, attempt to perpetrate a felony shall be sanctioned by the following penalties:

Life imprisonment, should the penalty prescribed for the crime be the capital sentence.

Temporary imprisonment, should the penalty prescribed for the crime be life imprisonment.

Imprisonment for a period not exceeding half the maximal level of the penalty prescribed for the crime or incarceration if the penalty is temporary imprisonment.

### **Article 36**

The law shall determine the misdemeanors in which the attempt is sanctioned by law as well as the penalty for such attempt.



### **Article 37**

The special provisions governing accessory penalties and the criminal measures prescribed for consummated crimes shall apply to the attempt.

## **SECTION TWO MORAL ELEMENT**

### **Article 38**

The moral element of a crime consists of an intent or mistake the intent is present when the will of the perpetrator is directed towards the perpetration of the act or forbearance thereof, whenever this perpetration or forbearance is considered by law a crime, with the intent to produce a direct result or any other result penalized by law and which the perpetrator expected. There is a mistake whenever the criminal result is achieved because of the mistake of the doer whether this mistake is due to negligence, carelessness, non-precaution, recklessness, imprudence or non-observance of the law, regulations, rules or orders.

### **Article 39**

If an act is committed under the influence of mistake in facts, the liability of the perpetrator shall be determined on basis of the facts he misconceived its presence should these facts deny or extenuate his liability, provided his belief is based on reasonable grounds and on basis of research and investigation. In case the mistake that made the perpetrator believe that he is not responsible is due to negligence or non-precaution, he shall be answerable for a non-premeditated crime should the law penalize the act as being such.

### **Article 40**

The motive of perpetrating the crime shall not be taken into consideration unless the law otherwise provides.

### **Article 41**

Should the perpetrator ignore the presence of an aggravating circumstance that may change the characterization of the crime, he is not liable therefore but shall benefit of his excuse even if he ignores its existence.

## **Article 42**

Ignorance of the provisions of this law is not an excuse.

## **Article 43**

The perpetrator is answerable for the crime whether it was committed deliberately or by mistake, unless the law expressly provides for premeditation.

## **CHAPTER THREE CRIMINAL COMPLICITY**

### **Article 44**

Whoever perpetrates alone a crime or acts as a direct accomplice shall be considered a perpetrator of the crime. An accomplice is a direct one in the following instances:

**First:** if he perpetrates the crime with another person.

**Second:** if he participates in its perpetration when it consists of several acts and he deliberately commits one of its constituent acts.

**Third:** if he sub-serves another person by any means to execute the criminal act and the latter is not criminally responsible for this act for any reason whatsoever.

### **Article 45**

A person shall be considered an accomplice by causation:

**First:** if he instigates to commit a crime that was perpetrated as a result of this instigation.

**Second:** if he conspires with others to perpetrate a crime that occurred as a result of this conspiracy. **Third:** if he gives the doer a weapon, tools or anything else used in the perpetration of the crime of which he had knowledge; or if he willfully assists the perpetrator, by any other means, in the preparatory acts or those facilitating or completing the perpetration of the crime.

The accomplice shall be equally held liable whether he was in direct contact with the perpetrator or through an intermediary.

### **Article 46**

An accomplice by causation who was found at the scene of the crime with the intent to perpetrate it shall be considered as a direct accomplice in case the crime is not committed by other than him.

#### **Article 47**

Whoever participates in a crime as a direct or causative accomplice shall be sanctioned by its penalty, unless otherwise provided by the law.

#### **Article 48**

Where an accomplice is not subject to the penalty on grounds of one of the causes of legitimacy or for the sake of criminal intent or for other particular reasons concerning him, the other accomplices shall not benefit there from.

#### **Article 49**

Where the material circumstances are inherent to a crime or constituent of one of its acts that will aggravate or extenuate the penalty, the effects thereof shall apply to any one directly or causatively participating in its perpetration regardless of whether he had, or not, knowledge thereof. However, existing personal aggravating circumstances that may facilitate the perpetration of the crime shall not apply to other than its author unless the other person had knowledge of it. As to the other circumstances, whether aggravating or extenuating, the effects thereof shall apply only to the person concerned these circumstances.

#### **Article 50**

In the presence of personal excuses exempting from, or extenuating the penalty as concerns one of the accomplices, whether he be direct or by causation, their effects shall only apply to the one concerned by such excuse. Material excuses exempting from or extenuating the penalty shall produce their effects on whoever participated directly or by causation in the perpetration of the crime.

#### **Article 51**

The accomplice in a crime, whether direct or by causation, shall be sanctioned by the penalty appertaining to the crime perpetrated even if it is not the one he intended to perpetrate as long as the committed crime is a probable consequence of the occurring complicity.

## **Article 52**

Should the characterization of a crime or a penalty change according to the intent of the author of the crime or his knowledge of its circumstances, the accomplices in the crime, direct or by causation, shall be penalized in accordance with their intent or knowledge.

## **CHAPTER FOUR CAUSES OF LEGITIMACY**

### **SECTION ONE REASONS OF LEGITIMACY**

#### **1.USE OF A RIGHT**

##### **Article 53**

There is no crime if the act takes place in good faith in the use of a right provided for in the law and within the limits set for such right.

The following shall be considered as a use of right:

Chastisement by a husband to his wife and chastisement of the parents, or whoever acts in their stead, to the minor children within the limits prescribed by Shari'a or by law.

Medical surgery and acts of medical attendance, in accordance with scientific principles recognized by the licensed medical profession when done with the explicit or implicit consent of the patient, or his legal representative, or in cases where the medical intervention is necessary in emergency cases that require.

Acts of violence taking place during performance of sport games within the limits approved for such game and with observance of the rules of due care and caution.

Acts of violence against the author of a crime caught red- handed, with a view to arresting him, within the limits required for this purpose.

The accusations exchange by the litigating parties during the verbal or written defense before the investigation authorities and courts, within the limits required by such defense and provided the doer is bonafide believing that the matters attributed to his opponent are true and that his belief is based on reasonable grounds.

## **2.PERFORMANCE OF A DUTY**

### **Article 54**

There is no crime if the act is done in the performance of a duty imposed by the Shari'a or the law if the person by whom the act is done is legally authorized to do it.

### **Article 55**

There is no crime if the act is done by public employee or a person entrusted with a public service, in any of the following two circumstances:

First: if the act is perpetrated in execution of an order issued to him from a superior legally authorized to issue such order and who had to obey the order.

Second: if he performs in good faith an act in execution of a law order.

## **3.RIGHT OF LAWFUL SELF DEFENSE**

### **Article 56**

There is no crime in case the act is performed in the exercise of the right of lawful self-defense. There shall be a right of lawful self-defense if the following conditions are met:

**First:** if the defender faces an immediate danger from a crime on his person, his property, or the person or property of another or if he believed in the existence of such danger and his belief is based on reasonable grounds.

**Second:** the defender has no possibility to resort to public authorities to avoid the danger in due course.

**Third:** the defender has no other means to repel such danger.

**Fourth:** the defense is necessary to repel the danger and commensurate with it.

### **Article 57**

The right of self-defense does not allow premeditated murder unless it is intended to repel one of the following matters: