



Department of Home Affairs

Rheynn Cooishyn Sthie

CONSULTATION ON THE JUSTICE REFORM (AMENDMENT) BILL 2025 AND THE CONTEMPT OF COURT BILL 2025

September 2025

INTRODUCTORY STATEMENT BY THE MINISTER



The Justice Reform (Amendment) Bill 2025 (JRAB)¹ has been much anticipated by the agencies whose work supports the operation of the Criminal Justice System, and who are governed by the legislation addressed within the Justice Reform Act 2021, and within this Bill.

Alongside preparation of the JRAB, it has become ever clearer that any deficiencies are also important to be addressed within existing provisions in relation to contempt of court. This harmonises with many of the principles which the JRAB proposes, especially in relation to preclusion of the reporting of proceedings where this is not appropriate, and in ensuring that suitable standards are maintained by parties within the Criminal Justice System. Therefore, the Contempt of Court Bill 2025 is published for consultation alongside the JRAB.

As I wrote in March 2022, [on planning for implementation of the Justice Reform Act 2021](#), the changes within the Justice Reform Act 2021 represent an important step on the road to modernisation of the Criminal Justice System. The work on implementing the core elements of the Justice Reform Act 2021 highlighted certain areas where some refinement and review was needed to ensure effective implementation.

Therefore, JRAB brings these proposed improvements. In addition, work with stakeholders identified some additional improvements that enable further modernisation and reform of the Criminal Justice System and we have taken the opportunity to progress these within the JRAB.

Doubtless, there is more work to be done. And the Department intends to continue with its programme of modernisation and improvement, which will see the bringing of a Sentencing Bill in due course, and the addressing of other matters which have been identified during the course of this parliamentary administration. These wider issues include youth justice, any further legislative underpinning to support problem-solving courts², and general wider enhancement of legislation to support diversion away from custody, where appropriate.

The Department has a number of active work streams in relation to the Criminal Justice System, details of which can be found within [the Department Plan](#)³.

In closing, I am grateful to the agencies of the Criminal Justice System, who continue to work in partnership with the Department, and have engaged on the preparation of the JRAB. Their input has been invaluable in establishing operational and technical understanding of that System.

Furthermore, I offer thanks in advance to all consultees who take this opportunity to participate and offer their views on the JRAB and on the Contempt of Court Bill 2025.

Hon Jane Poole-Wilson, MHK

Minister for Justice and Home Affairs

16 September 2025

¹ Note that the title of the Bill will be changed pre-introduction in the branches of Tynwald. Please see section 4 to this consultation document for more details.

² These have been trialled in various jurisdictions, including the United Kingdom: <https://researchbriefings.files.parliament.uk/documents/POST-PN-0700/POST-PN-0700.pdf>. A small change is proposed to the SJA1989, to insert a fresh s.23A in respect of deferment of sentencing to seek to facilitate the use of problem-solving courts on Island in the near future. See section 7.4 of this consultation for more details

³ The 2025/26 plan will shortly be available by following the [highlighted link](#), or by reference to the [Tynwald Register of business](#).

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WHY WE ARE CONSULTING

1. Introduction

The Department of Home Affairs is seeking views on the proposed Justice Reform (Amendment) Bill 2025 (JRAB) and the Contempt of Court Bill 2025.

The JRAB builds on the Justice Reform Act 2021 in fundamentally reforming the way our Criminal Justice System operates. It also acts as a vehicle for the modernisation, harmonisation and rationalisation of other key legislation. As will be explained in more detail later on in this document, the legislation is complex. In some cases, it amends changes which were originally made in the Justice Reform Act 2021. In other cases, it makes changes to other pieces of legislation. For that reason, consultees are advised to read the relevant keeling schedules related to the Act subject to change by the Bill. This consultation is designed to allow comment on some or all of the proposed changes in the JRAB. Despite this, the Department recognises that this is a long and detailed document. The nature of the JRAB and the Contempt of Court Bill demands it, but we recognise it will take time to fully digest and consider, and we are grateful to consultees for taking the time to comment on this important legislation.

Before launching this public consultation, the Department worked closely with a range of key stakeholders from across the Criminal Justice System who supported a review of the provisions of the Justice Reform Act 2021, and their operational impact. These stakeholders were invited to suggest potential improvements to the Justice Reform Act 2021, or to other legislation on which the Criminal Justice System rests, in order that the opportunity be taken to further enhance and modernise where possible.

Additionally, the Department worked to address outstanding recommendations of the legislature, from within parliamentary reports, and to correct or improve any discrete matters pertinent to the Criminal Justice System that were brought to its attention in the period since the Justice Reform Act 2021 was passed.

The Contempt of Court Bill 2025, developed in parallel and subject to internal consultation across Government, is presented alongside the Justice Reform (Amendment) Bill 2025. This Bill is essential to ensuring that courts have the necessary provisions to respond to conduct that undermines the administration of justice. It addresses failures to meet expected standards of behaviour in court, deliberate breaches of court orders or directions and the publication of prohibited material - such as during active proceedings or in private hearings (consistent with existing Manx law) and defines contempt of court in each instance.

All suggestions received from internal stakeholders have been carefully reviewed. Those considered appropriate for further development were assessed by the relevant departments and have been included in these draft Bills as the most suitable options for public consultation.

The proposed changes aim to bring the Island's justice system even more closely in line with the goals set out in the Criminal Justice Strategy and with the revised version of that Strategy, that is expected to be forthcoming during 2025.

Additionally, and where this is sensible and practical (in relation to jurisdictional co-operation, or the relevance of things such as the approach historically taken, or precedent), changes bring the Island into better alignment with neighbouring jurisdictions, and in particular England and Wales, and certain of the changes proposed in this consultation are based in drafting on provisions found within Acts of Parliament.

Where this is not practical or desirable, a Manx approach has been taken with drafting that is bespoke for our purposes.

The publication of this consultation has been highlighted to a range of key stakeholders across the Criminal Justice System, and details of those stakeholders can be found at Appendix 2.

2. Structure of Consultation

Due to the technical and corrective nature of a number of the changes proposed by the JRAB, the bulk of this consultation sets out an explanation of the changes and any rationale associated with those changes.

Questions in relation to the JRAB changes appear from page 70 of this consultation and allow for free text responses on each area addressed by the JRAB.




Questions in relation to the Contempt of Court Bill 2025 appear from page 74 of this consultation and allow for free text responses on each area in relation to the Contempt of Court Bill 2025.

3. Consultation period

This written consultation commences on 22 September 2025 and will run for a period of five weeks.

Responses to the consultation must be submitted by **23:59 on 27 October 2025**.

Responses to the consultation can be –

-  made via the questionnaire on the Consultation Hub at www.consult.gov.im;
-  submitted via email to GeneralEnquiries.DHA@gov.im; or
-  posted to –

Shelley Walker, Administration and Policy Manager
DHA Headquarters Building
Tromode Road, Douglas, Isle of Man, IM2 5PA

If you are responding by email or post, then please include the following details:

- your name;
- the address to which we can reply to you (email or postal) along with confirmation that:
 - you are happy to be contacted in connection with your consultation responses; or,
 - you are not happy to be contacted in connection with your consultation responses;
- whether you are responding for yourself or on behalf of a business or organisation; and,
- confirmation as to whether you agree that your response can be published by indicating either:
 - Publish in full – your organisation name along with full answers may be published on the hub;
 - Publish anonymously – only your responses may be published on the hub (your organisation name will not be published); or,
 - Do not publish – nothing will be published publicly on the hub (your response will only be part of a larger summary response document).

4. Background

The [Justice Reform Act 2021](#) received Royal Assent on the 20 July 2021.

A detailed [Justice Reform Act 2021 Implementation Plan](#) was developed by the Department which set out the key deliverables for that Act.

The Implementation Plan set out the evolution of the Justice Reform Act 2021 and included information about the passage of the Justice Reform Bill 2020, and identified the key deliverables from within the Act, and other related information about ongoing work, at that point in time, within the Criminal Justice System.

The Implementation Plan identified the Secondary Legislation and Statutory Guidance deliverables which were set out within Appendix 1 to that Plan, and other key deliverables such as wider guidance/resources/training/services/systems which were set out at Appendix 2 to that Plan. Related information, about ongoing work at that moment in time, was set out within Appendix 3 to the Plan.

Following the introduction of Department Plans, as a mechanism for recording and highlighting the work of Government Departments, recording of actions to support the implementation of the Justice Reform Act 2021 began to be captured within the Department Plan, rather than within the stand-alone Implementation Plan. Therefore, the Implementation Plan is no longer routinely updated, however the Implementation Plan serves as a wealth of background information related to the Justice Reform Act 2021 and remains accessible for that purpose.

Of key relevance to this consultation was a detailed review of the provisions of the Justice Reform Act 2021 and their impact on legislation that governs the procedure of the criminal courts, which took place in 2022. This review was undertaken by drafters in the Attorney General's Chambers who were working to prepare revised Rules of Court, intended to support the commencement of the Justice Reform Act 2021 and the cascade of changes that would arise from commencement of the Act⁴.

This granular review identified a range of issues and areas for potential improvement in the operational and technical application of the changes already contained within the Justice Reform Act 2021. This formed the basis of the Justice Reform (Amendment) Bill; and additional enhancements, modernisations and fresh policy changes have been incorporated into the Bill that go beyond these initial review changes. These fresh changes have been the subject of targeted consultation and engagement with a range of key stakeholders, since the passage of the Justice Reform Act 2021, and are brought now to provide for key matters within the broader purpose of the Bill, which are the subject of this consultation.

Finally, in relation to the Justice Reform (Amendment) Bill 2025, it is noted that this is the working title of this Bill, and under which it will be brought for public consultation. However, given the increased scope and content of this Bill, beyond solely amendments to the Justice Reform Act 2021, it is the case that the title of this Bill will be refined prior to any subsequent legislative passage that follows this. At present the suggested alternative title for the Bill is the Justice and Home Affairs (Reform and Miscellaneous Amendments) Bill 2025. Nevertheless, for the purposes of this consultation, the Bill continues to be referred to as the Justice Reform (Amendment) Bill 2025.

Alongside the development of the Justice Reform (Amendment) Bill 2025, a discrete Contempt of Court Bill 2025 has been developed which addresses deficiencies in respect of contempt provisions otherwise in

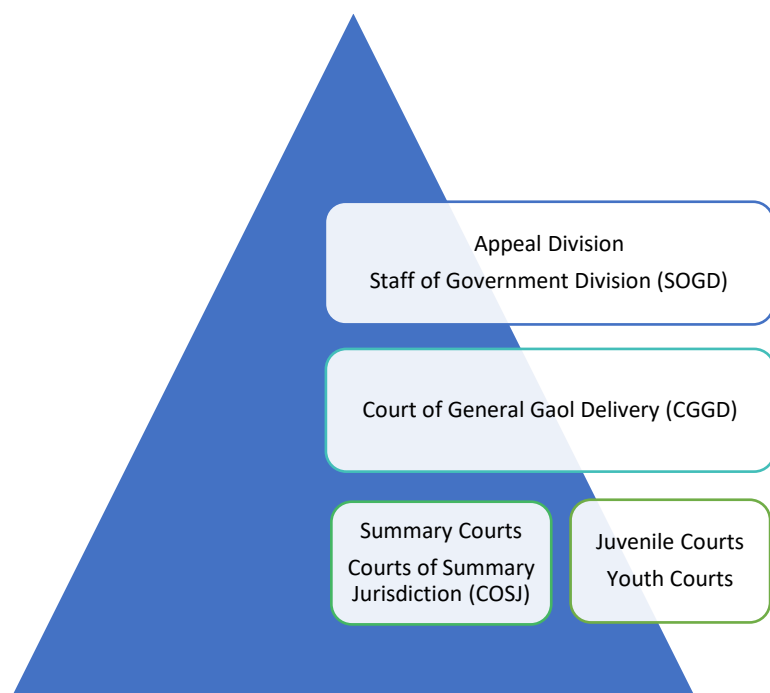
⁴ Specifically, as a result of the changes the Justice Reform Act 2021 makes to key pieces of legislation that govern court procedure, namely the Summary Jurisdiction Act 1989, the Criminal Jurisdiction Act 1993 and the High Court Act 1991, fresh Rules of Court will support this operation.

existence within the Island's laws and where appropriate harmonises with applicable laws. Given that this Bill is in broad alignment with the principles of Justice Reform, and in a number of places complements provision within the Justice Reform Act 2021, or the Justice Reform (Amendment) Bill, this separate Bill is published for the views of consultees to be received, alongside those in relation to the Justice Reform (Amendment) Bill 2025.

5. Glossary and Reference materials

A Glossary of terms used within the Justice Reform Act 2021, the Justice Reform (Amendment) Bill 2025, the Contempt of Court Bill 2025 or within consultation more generally can be referred to at the end of this consultation document, within Appendix 1. Any information provided within that Glossary, or elsewhere within this consultation document, is intended to facilitate consultees' understanding of the consultation only and should not be relied upon as a legal interpretation.

Isle of Man Criminal Courts:



This infographic gives an indication of the structure of the Isle of Man Criminal Courts which are the primary focus of the Justice Reform Act 2021 and the Justice Reform (Amendment) Bill 2025 and how they might be referred to in the Act or the Bill, or elsewhere in these consultation materials.

Detailed information about the Isle of Man Courts of Justice can be found on their website here:
<https://www.courts.im/>

Key pieces of legislation relating to these courts are as follows:

- [Justice Reform Act 2021](#)
- [Summary Jurisdiction Act 1989](#)
- [Criminal Jurisdiction Act 1993](#)
- [High Court Act 1991](#)
- [Criminal Justice, Police and Courts Act 2007](#)

It is also noted that "as amended" versions of these Acts, as they are proposed to read once amendments within the Justice Reform Act 2021, and any additional amendments set out within the Justice Reform

(Amendment) Bill 2025, take effect, have been prepared to accompany this consultation and can be referred to alongside the consultation version of the Justice Reform (Amendment) Bill 2025.

A full list of all “as amended” Acts which have been prepared can be found at Appendix 3 of this consultation.

Acts of Tynwald:



Home Legislation ▾ External Links ▾ Bills ▾ Newsletters ▾ Contact Us

For ease of reference – copies of the current version of any other Acts of Tynwald referred to within the Justice Reform Act 2021, the Justice Reform (Amendment) Bill 2025, or this consultation, can be located on the Attorney General’s Chambers Isle of Man Government On-line Legislation website here:

<https://legislation.gov.im/cms/>

6. Justice Reform Act 2021

To seek to facilitate consultees’ understanding of this consultation, this section provides a brief summary of the [Justice Reform Act 2021](#) and its component Parts.

This includes highlighting existing matters addressed by the Justice Reform Act 2021 (“settled policy”), which have already been subject to the scrutiny of the legislative branches and are not the subject of this consultation.

Fresh policy matters are the subject of this consultation and are identified in section 7 of the consultation.

Additionally, it is clearly stated below whether the relevant Part of the Justice Reform Act 2021 is already in operation, (as various provisions of the Justice Reform Act 2021 are already in operation) and if that is the case, links are provided to the relevant Appointed Day Order.

The above section contains links that are intended to be helpful to consultees and a Glossary can be found at Appendix 1 to this consultation document. Additional information can be found within the “point in time” version of the [Justice Reform Act 2021 Implementation Plan](#) and within the present version of the Criminal Justice Strategy [[GD 0061/12](#)].

The Justice Reform Act 2021 is a wide-ranging and complex piece of legislation, made up of nine distinct Parts. Each Part focuses on a specific area of the Criminal Justice System, aiming to modernise processes, improve fairness and align Manx law more closely with that of England and Wales, where such an alignment is practical or desirable, for example in areas such as rehabilitation of offenders and human rights.

Many of the reforms brought within the Justice Reform Act 2021 were developed through the work of the Criminal Justice Board and in line with the Criminal Justice Strategy [[GD 0061/12](#)].

Part 1: Introductory provisions

Part 1 comprises of sections 1 to 3. **This Part is in operation.**

Section 1 sets out the short title of the Act – the Justice Reform Act 2021.

Section 2 is a commencement provision stating that the Act will come into effect by the making of Appointed Day Order(s).

Section 3 contains interpretation of abbreviations used within the Act, namely:

- "CJA 1993" means the Criminal Jurisdiction Act 1993;
- "CJA 2001" means the Criminal Justice Act 2001;
- "CYPA 1966" means the Children and Young Persons Act 1966;
- "PPPA 1998" means the Police Powers and Procedures Act 1998;
- "SJA 1989" means the Summary Jurisdiction Act 1989.
- "the Appeal Division" means the Staff of Government Division of the High Court; and,
- "the Department" means the Department of Home Affairs

Sections 1 and 2(1) and (2) of the Justice Reform Act 2021 came into operation on the Act's announcement to Tynwald on 20 July 2021. Section 2(3) was brought into effect on the 07 September 2022 in accordance with the [Justice Reform Act 2021 \(Appointed Day\) \(No. 1\) Order 2022 \[SD 2022/0265\]](#).

Part 2: Co-operation between agencies

Part 2 comprises of sections 4 and 5. **This Part is in operation.**

These sections came into operation on 20 February 2024 in accordance with the [Justice Reform Act 2021 \(Appointed Day\) \(No. 2\) Order 2024 \[SD 2024/0046\]](#).

Section 4 places the [Criminal Justice Board](#), which was first convened in 2012 as part of the introduction of the [Criminal Justice Strategy](#), onto a statutory footing and allows for the creation of sub-committees of that Board.

Section 5 enables the Department of Home Affairs to make regulations for sharing information for the purpose of public safety; for the purpose of preventing or reducing crime, disorder or anti-social behaviour; for the purpose of safeguarding the welfare of a particular person; or otherwise in the public interest. Although this section is now commenced, the regulation making power within this section has not yet been utilised.

Part 3: Changes to the jurisdiction and procedure of the summary courts

Part 3 comprises of sections 6 through to 29. **This Part has not yet been commenced.**

This Part will bring major reforms to the Courts of Summary Jurisdiction (Summary Courts / COSJ), including the abolition of committal proceedings, the extension of High Bailiff powers, the simplification of mode of trial and associated rules and an update to the juvenile court's jurisdiction. It is proposed that

these changes are expanded on in the Justice Reform (Amendment) Bill 2025, and more information on that is set out later in this consultation.

For the most part, these changes are being made to the [Summary Jurisdiction Act 1989](#), which establishes and sets out the procedure for the operation of the Summary Courts including the Juvenile Courts (Youth Courts).

A summary of the highlights of these changes is contained in the following infographics.

Highlights of the changes found within Part 3 of the Justice Reform Act 2021, and its associated Schedules 1, 2 and 3, are as follows:

Changes related to the Summary Courts

Current Day

Summary Jurisdiction Act 1989

Establishes Courts of Summary Jurisdiction (Summary Courts) including the Juvenile Court.

Sets out procedure that governs these courts, including committals (how people get transferred to the Court of General Gaol Delivery for trial for more serious offences)

Offences that have a summary penalty (where an Act states something like "on summary trial" or states a penalty that reads "(summary) — XX months' custody") are dealt with by the Summary Courts.

Certain information only offences (those set out in Schedule 2 of the Summary Jurisdiction Act 1989) can be dealt with by the Summary Courts.

Justice Reform Act 2021

Amends Summary Jurisdiction Act 1989

Abolishes committal procedure (how people get from Summary Courts to Court of General Gaol Delivery now) and sets out a fresh "sending" process (a more streamlined way of transferring people to the Court of General Gaol Delivery).

Extends the jurisdiction of the High Bailiff to try information only offences meaning that any offence that is not murder or treason can be tried by the High Bailiff presiding with a sentence range of up to 2 years custody or an unlimited fine.

Amends the statute book to remove the concepts of misdemeanour and felony, and to insert the "two tier" summary penalties i.e. (summary – (High Bailiff) - 2 years custody or a fine).

Current Day

Summary Jurisdiction Act 1989

Establishes a separate Summary Court – the Juvenile Courts.

Jurisdiction of the Juvenile Court is restricted to dealing with those under 17 years of age.

Certain offences must be committed to the Court of General Gaol Delivery i.e. Sexual Offences, murder, offences that would attract more than 14 years adult penalty when committed by a person over 14 years of age, any offence charged jointly with a person aged 17 or over.

Justice Reform Act 2021

Amends Summary Jurisdiction Act 1989

Changes the title of the Juvenile Courts to the Youth Courts and extends their jurisdiction to those under 18 years of age.

When the High Bailiff is presiding over the Youth Courts, it can try information only offences that would be punishable, in the case of an adult, with no more than 2 years' custody. Fines in the Youth Courts are capped at level 4 on the standard scale.

Certain offences must be sent to the Court of General Gaol Delivery i.e. murder or treason or offences that would be punishable, in the case of an adult, with more than 2 years' custody, complex fraud cases, offences with licensing requirements (under s.38 of CJA2001 for sexual or violent offence) or any sexual offences, and any offence charged jointly with a person over 18 years of age (that is sent to Court of General Gaol Delivery).

Part 4: Changes to the procedure of the Courts of General Gaol Delivery

Part 4 comprises of sections 30 through to 41. **This Part is partially in operation.**

For the most part, these changes are being made to the [Criminal Jurisdiction Act 1993](#), which establishes and sets out the procedure for the operation of the Courts of General Gaol Delivery (CGGD).

Sections 30, 31, 35, 37, 38, 39 and 41 and section 36, except in so far as it would have inserted section 8E(2) and 8E(3)(c) into the Criminal Jurisdiction Act 1993, came into operation on the 20 December 2024 in accordance with the [Justice Reform Act 2021 \(Appointed Day\) \(No. 3\) Order 2024 \[SD 2024/0277\]](#).

Changes which were made on 20 December 2024, by this targeted commencement, can broadly be categorised as being in connection with the procedures that dictate jury trials and jury verdicts, and saw the bringing of fresh provisions that provide for a Deemster alone to preside over a trial, rather than the empanelment of a jury to take place, when certain circumstances are met.

This included the commencement of new sections 8A to 8E that were inserted within the [Criminal Jurisdiction Act 1993](#). These new sections provide that when prescribed circumstances are met, and where a case is to be tried on information, when either the defendant(s), or, in a case involving fraud or jury tampering, the prosecution, apply for a trial to be conducted without a jury, the trial will proceed with a Deemster alone rather than the empanelment of a jury.

Further information on the impact of this Appointed Day Order can be found here, within [the Explanatory Memo](#) which accompanied the Appointed Day Order to Tynwald in January 2025.

The remainder of Part 4 – sections 32, 33, 34 and section 40, along with the outstanding portions of section 36, primarily relate to the procedures that will be established in the Courts of General Gaol Delivery and align with changes made to the Summary Courts procedures around abolition of committal procedures and their replacement with sending procedures. Certain targeted amendments are proposed to correct or enhance these provisions, and more information on that is set out later in this consultation.

Part 5: Costs in criminal proceedings

Part 5 comprises of sections 42 through to 50. **This Part has not yet been commenced.**

This Part clarifies how legal costs are handled in criminal cases, particularly for legally aided defendants, this Part also consolidates and replaces provisions found elsewhere in the statute book. Certain targeted amendments are proposed to correct or enhance these provisions, more information on that is set out later in this consultation.

Part 6: Cautioning of Offenders

Part 6 comprises of sections 51 through to 77. **This Part has not yet been commenced.**

Unconditional cautions

Sections 55 to 56 relate to unconditional cautions (“simple cautions”), these are placed on a statutory basis and the requirements associated with them set out. For the avoidance of doubt, it is noted that

this does not affect the validity of any caution given before this section comes into operation. Therefore, cautions given prior to this legislation coming into operation are, and will remain, legally valid.

Conditional Cautions / Youth Cautions

Sections 57 to 65 introduce the concepts of conditional cautions and youth cautions and the requirements in association with them. These sections also set out the requirement to make a Code of Practice in relation to these types of cautions, and this is supplemented by section 66 that deals with the requirement to set out a Statement of Available Remedies in connection with cautions and section 67 further supplements section 66, by setting out requirements around out of court disposals for anti-social behaviour or offending behaviour that has not otherwise resulted in a caution or fixed penalty notice by way of out of court disposal.

Finally, in connection with section 57 *Conditional Cautions*, it is noted that a number of amendments to this section have already been legislatively considered, within the [Statute Law Revision Bill 2024](#). Clause 48 of that Bill brought these amendments, and an "as amended" version of section 57 can be referred to (by reference to section 48) [here](#), in the materials that were prepared alongside the Statute Law Revision Bill 2024. The Statute Law Revision Bill 2024 concluded its passage through the legislative branches on 10 June 2025 and presently awaits Royal Assent before the amendments it contains can be commenced⁵.

Consequential Amendments – police powers and rehabilitation of cautions ("spent cautions")

Sections 68 through to 77 provides other consequential amendments as a result of the changes brought elsewhere in Part 6. These consequential amendments include changes to the [Police Powers and Procedures Act 1998](#) (the Isle of Man's equivalent to "PACE"⁶), and changes to the Island's [Rehabilitation of Offenders Act 2001](#), that will mean that cautions that become "spent" (cease to show on a criminal record, or need to be disclosed, for all but a specific range of employment or legal purposes), in accordance with these new provisions. At present on the Isle of Man, cautions do not become "spent", so this alignment with the Rehabilitation of Offenders Act 1974 (an Act of Parliament), will take effect on commencement of Part 6.

Part 7: Immediate Financial Penalties

Part 7 comprises of sections 78 through to 87. **This Part has not yet been commenced.**

This Part establishes a system for immediate financial penalties (penalty notices) for certain minor offences. This harmonises with both the new provisions found within Part 6 and also the approach taken across the statute book when the Justice Reform Act 2021 is commenced in its entirety.

In particular, it is noted that, at section 78 *Offences leading to immediate financial penalty* (and the table contained therein) "low level" offences that are set to be eligible for such a penalty notice being

⁵ For ease of reference, it is noted that cl. 34 through to cl.55 of the JRA2021 set out changes to Part 6 of the JRA2021, these are either cross reference corrections/harmonisations or deal with technical matters (see page 35 point ref conditional cautions consultation with IOM Immigration Office), aside from those otherwise stated in connection with the Police Powers and Procedures Act 1998 (see section 7.5 for detail of changes proposed to that Act).

⁶ "PACE" the [Police and Criminal Evidence Act 1984 – an Act of Parliament](#) often referred to simply as PACE, is the Act in the UK under which the Codes of Practice that govern police process for things like stop and search are set out. In the Isle of Man, the equivalent is the Police Powers and Procedures Act 1998.

given are defined, and are at present quite limited, however, this table may be amended (by Order, with Tynwald approval).

Elsewhere within Part 7, the requirements around the giving of penalty notices, the process to be followed and the requirement to put in place a Code of Practice to be followed by police officers (or any other “authorised persons” who will issue penalty notices) is stated.

Part 8: Harassment and Stalking

Part 8 comprises of sections 88 through to 98. **This Part is in operation.**

Sections 88 through to 98 made changes to the [Protection from Harassment 2000](#), and came into operation on the 07 September 2022 in accordance with the [Justice Reform Act 2021 \(Appointed Day\) \(No. 1\) Order 2022 \[SD 2022/0265\]](#).

Part 9: Miscellaneous and General Provisions

This Part comprises of sections 99 through to 115, which brought targeted amendments to a range of other Acts of Tynwald. **This Part is partially in operation.**

A more detailed breakdown of the sections in operation and the Acts which were amended by this Part is set out below.

To simplify this explanation, where the section commenced on 07 September 2022 in accordance with the [Justice Reform Act 2021 \(Appointed Day\) \(No. 1\) Order 2022 \[SD 2022/0265\]](#), as is the case for the majority of commenced sections in this Part, the reference will state “This section(s) are in operation as per ADO No.1”. The Explanatory Memo to that ADO can be found [here](#), and contains additional information about the reason for the measure and impact of that measure.

Judicial Retirement: **This section is in operation as per ADO No.1.**

Section 99 made changes in connection with the retirement ages of the judiciary.

Additionally, a regulation making power was included within these amendments that meant that it will be possible to set out in regulations an empowerment that a person vacating office might continue to act to conclude proceedings in which they are engaged on reaching the age of 75. This regulation making power has not been exercised to date.

Land Registration Act 1982: **This section is in operation as per ADO No.1.**

Section 100 inserted a new section 3A within the [Land Registration Act 1982](#) relating to the use of live links for proceedings before the Land Commissioner and the Land Registrar.

Evidence Act 1871: **This section is in operation as per ADO No.1.**

Section 101 substituted section 17 of [the Evidence Act 1871](#) *Copies of UK and Manx legislation* relating to documents that shall be admitted in evidence in any court in the Island without further proof.

Legal Aid Act 1986: This section is in operation as per ADO No.1.

Section 102 inserted a new section 3(1B) within the [Legal Aid Act 1986](#) relating to the conditions of eligibility for legal aid in relation to proceedings under Part 4 or 5 of the Children and Young Persons Act 2001. Additionally, section 14 *Confidentiality of information* was substituted.

Separately to the Justice Reform Act 2021, but of potential interest to consultees, it is noted that details of the Legal Aid Review Project, which commenced in 2018 within the Attorney General's Chambers, can be found [here](#). The Legal Aid Review Report and Recommendations and the [Legal Aid Committee's](#) Response to that Report, can be found [here](#).

Jury Act 1980: This section is partially in operation (see full details below).

Section 103, as commenced in accordance with the below information, amended the [Jury Act 1980](#).

Section 103(1), (2), (3), (6) and (7) came into operation as per ADO No.1. Amendments made by that commencement included those in respect of age limits of jurors and modernisation of the excusal for cause provision found within section 12(4). Additionally, section 26 which relates to the panel of jurors for criminal trials and section 27 which relates to challenges in criminal trials were also amended.

Subsequently, on the 20 December 2024, in accordance with the [Justice Reform Act 2021 \(Appointed Day\) \(No. 3\) Order 2024 \[SD 2024/0277\]](#), section 103(4), except in so far as it inserts "or" in subsection (1)(a), and subsection (1)(b), of the substituted section 24 into the Jury Act 1980 and section 103(5) came into operation.

This targeted commencement of section 103(4) brought changes within the Jury Act 1980 in relation to the number of jurors empanelled and for majority verdicts. This saw the selective enactment of a substituted section 24 of the Jury Act and a new section 24A *Majority verdicts*. Practically this meant that a verdict will be taken to be unanimous when 10 jurors (in the case of an 11 or 12 juror jury), or 6 jurors (in the case of a 7 juror jury), fully deliberate and reach a decision.

Suitable consequential, incidental and transitional provisions were included within the [Appointed Day Order No.3 at Article 3](#) to ensure a smooth transition for ongoing matters, on the implementation of changes to the Criminal Jurisdiction Act 1993, that were also part of this Appointed Day Order. More information about these changes can be found [here](#), in the Explanatory Memo to that Appointed Day Order.

For ease of reference it is noted that the above changes to the Jury Act 1980 were in part made to take account of recommendations made by the [Tynwald Select Committee on the Operation of the Jury System](#), and further information around these recommendations, and the resulting changes, can be found within the [Tynwald Policy Decisions](#) report.

Separately to the Justice Reform Act 2021, but of potential interest to consultees, it is noted that in relation to Jury Eligibility set out by the Jury Act 1980 (and Ineligibility, set out as per section 2 and its associated Schedule, Schedule 1 to that Act) a consultation was hosted by the Cabinet Office and took place in April/May 2025. Details of that consultation and proposed action to be taken as a result of that consultation can be found [here](#).

Fatal Accidents Act 1981: This section is in operation as per ADO No.1.

Section 104 amended the [Fatal Accidents Act 1981](#) bringing fresh provisions around cohabiting partners.

This amendment originated following a change to the UK's Fatal Accidents Act 1976 (an Act of Parliament) by a Remedial Order made under the UK's Human Rights Act 1998 (an Act of Parliament). Given the similarity of the Island's legislation to that of the UK, and therefore the relevance of precedent law in this area in the UK, the Justice Reform Act 2021 brought this change into the Island's Fatal Accidents Act 1981.

More detail about this change can be referred to within the [Hansard from new clause 6, as this clause \(which later became section 104 within the Justice Reform Act 2021\) was inserted into the Justice Reform Bill 2020, in the House of Keys on the 08 December 2020, by way of a Government Amendment to the Bill, moved by Mr Hooper, MHK.](#)

Coroners of Inquest Act 1987: This section is in operation as per ADO No.1, but an editorial amendment is required.

Section 105 amended the Coroners of Inquests Act 1987 with a similar modernisation as that which was made to the Jury Act 1980 in respect of excusal for cause (within section 9). Other amendments included those in connection with the duty to notify the coroner of death (within section 2) and the meaning of state detention found in that section, and also in connection with summoning a jury (at section 8) which was amended to reflect that this is where a death is otherwise than from natural causes.

A small change is proposed to section 2 of the Coroners of Inquests 1987 to correct wording at the end of that section which was otherwise amended by section 105 of the Justice Reform Act 2021. The insertion of subsection(4)(d) within section 2 could not be appropriately inserted due to an error in the text as it was to be inserted ([see section 105 of the published version of the Justice Reform Act 2021 and the editorial note in respect of this](#)) - where a stray "and" was included within the text of the section. This was not noticed until the section was subject to ADO No.1 and an amendment is to be included in the Justice Reform (Amendment) Bill 2025.

Custody Act 1995: This section is in operation as per ADO No.1.

Section 106 amended the [Custody Act 1995](#), at Schedule 2 *Early release of detainees* by insertion of a new paragraph 10A in connection with arrest of a person without warrant where the conditions of their licence have been breached.

Criminal Justice Act 2001: This section is in operation as per ADO No.1.

Section 107 amended the [Criminal Justice Act 2001](#) at section 35 both by omitting subsection (4)(b) which prohibited the making of reparation and compensation orders in combination, and by amending the maximum number of hours to be worked under a reparation order found at subsection (6)(a) from 24 hours to 100 hours.

A similar adjustment was made to the maximum number of hours of attendance under an attendance centre order found within paragraph 2(4) of Schedule 7.

Finally, Sections 53 and 54 (which concerned convictions of persons other than the accused) were repealed.

Human Rights Act 2001: [This section is in operation as per ADO No.1.](#)

Section 108 amended sections 9, 9A and 9B of the Human Rights Act 2001 which relate to judicial acts and remedial orders.

Rehabilitation of Offenders Act 2001: [This section has not yet been commenced.](#)

Section 109 is set to amend the [Rehabilitation of Offenders Act 2001](#) to increase the range of the rehabilitation regime (in relation to “spent” convictions). This is designed to align where possible with the equivalent UK law, the Rehabilitation of Offenders Act 1976 (an Act of Parliament) and to link more directly with disclosure and barring matters.

Additionally, section 2 of the Rehabilitation of Offenders Act 2001 is amended to provide that the sentences excluded for rehabilitation may in future be amended by Order, and that any suitable consequential amendments can be made to the Act, and be set out in that Order. This is to avoid future diversion between the Isle of Man and UK law, that would once again require primary law to change the sentences excluded from rehabilitation that are set out in section 2 of the Rehabilitation of Offenders Act 2001. Elsewhere, references in the Act are harmonised to be to “the Department”, which is defined as the Department of Home Affairs.

Matrimonial Proceedings Act 2003: [This section is in operation as per ADO No.1.](#)

Section 110 amended the [Matrimonial Proceedings Act 2003](#), at Part 5 of that Act where the part heading was amended to read Domestic Abuse (in anticipation of the enactment of the [Domestic Abuse Act 2020](#), which subsequently took place on the [04 January 2023](#)), rather than Domestic Violence.

Interpretation Act 2015: [This section is in operation as per ADO No.1.](#)

Section 111 amended the [Interpretation Act 2015](#) by moving the meaning of “Deemster” and “the Deemsters” found within paragraph 1 of the Schedule into the correct alphabetical position, additionally the definition of “the Deemsters” was clarified.

Criminal Evidence Act 2019: [This section is in operation as per ADO No.1.](#)

Section 112 inserted a new section 38A *Signature of documents adduced in evidence* within the [Criminal Evidence Act 2019](#), making clear that an electronic signature is to be accepted in connection with court proceedings, when that signature is incorporated in, or logically associated with, the document in a manner which complies with rules of court.

Dormant Assets Act 2019: [This section is in operation as per ADO No.1](#)

Section 113 substituted section 39(3) of the [Dormant Assets Act 2019](#) to reflect that an act or omission of either “bad faith” or one which is unlawful under section 6 of the Human Rights Act 2001, would be the instances under which liability would become applicable to the Treasury, its officers or for

anything done or omitted in the discharge or purported discharge of any function under, or authorised by or under, that Act.

Criminal Justice, Police and Courts Act 2007:

This section has not yet been commenced.

Section 114 will amend the Criminal Justice, Police and Courts Act 2007, by inserting a fresh section 30A through to 30D within that Act. These sections predominantly relate to live link directions and offences in relation to the recording, transmission, or broadcasting, of proceedings taking place via a live link.

Additionally, the new section 30D provides a power that the Department of Home Affairs may (by Order, with Tynwald approval, following consultation with the Deemsters, or with any other relevant Departments), amend any Act of Tynwald or Statutory Document that pertains to live links.

Further information in relation to section 114 can be referred to in the [Hansard from new clause 8 \(which later became section 114 within the Justice Reform Act 2021\) when this was inserted into the Justice Reform Bill 2020, in the House of Keys on the 08 December 2020, by way of an Amendment to the Bill, moved by Mr Shimmins, MHK.](#)

Repeals: **This section has not yet been commenced.**

Section 115 sets out the repeal of provisions that are either obsolete or have been replaced by provisions within the Justice Reform Act 2021.

7. The Justice Reform (Amendment Bill) 2025

7.1 Brief introduction

The Justice Reform (Amendment) Bill 2025 is a complex piece of legislation.

Part of this complexity arises from the fact that this Bill proposes to amend an Act which itself serves as a vehicle to amend other Acts of Tynwald, so when referring to the amendments contained in the Justice Reform (Amendment) Bill 2025, additional reference must be made to not only the sections of the Justice Reform Act 2021, but also to the relevant pieces of legislation which are amended by that Act.

An extreme example of this is section 8 of the Justice Reform Act 2021, which will amend 11 other Acts⁷.

This gives an idea of the sheer complexity of the amendments brought by the Justice Reform Act 2021, once overlaid by the full range of “moving parts” in play and how difficult the bringing accurate and cohesive changes on this scale truly is. Therefore, in preparing this consultation document, typographical, grammatical and cross-referencing corrections, or the removal of amendments which targeted now repealed legislation⁸, or harmonisation changes being made to language⁹ or to the way that the as amended legislation reads form part of a body of amendments which are not offered for detailed consultation.

⁷ the Summary Jurisdiction Act 1989; the Petty Sessions and Summary Jurisdiction Act 1927; the Criminal Justice Act 1963; the Children and Young Persons Act 1966; the Criminal Law Act 1981; the Legal Aid Act 1986; the Custody Act 1995; the Criminal Justice Act 2001; the Children and Young Persons Act 2001; the Education Act 2001; and the Interpretation Act 2015.

⁸ E.g. s.75 of the Justice Reform Act 2021 was set to amend Schedule 1 of the Criminal Justice Act 2001, which was itself repealed by the coming into operation of the Sexual Offences and Obscene Publications Act 2021, therefore the amendment at section 75 of the Justice Reform Act 2021 is to be repealed by clause 44 of the Justice Reform (Amendment) Bill 2025.

⁹ E.g. where they have been noted, reference to “Her Majesty” are being amended to “His Majesty”, or other references such as those to the “Chief Registrar” in connection with procedure of court are where appropriate amended to read “court”. These types of harmonisation change have been

Instead, to try and give some sense of the content and effect of the significant amendments proposed to the Justice Reform Act 2021 by the Justice Reform (Amendment) Bill 2025, this consultation has been broken down into a series of sections. Firstly concentrating on significant proposed corrections/enhancements to the Justice Reform Act 2021 (predominantly those identified in the review of the Justice Reform Act 2021 that was conducted by drafters in the Attorney General's Chambers in preparing revised Rules of Court, intended to support the commencement of the Justice Reform Act 2021) where these changes impact the Summary Courts, the Juvenile Courts/Youth Courts, the Court of General Gaol Delivery and wider administration of the Criminal Justice System, and finally, those proposed amendments that represent fresh policy and subsequent proposed amendment to other Acts of Tynwald.

A table has been included at the beginning of the following sections, with a heading that signposts the area covered by the table. Each table shows the general correlation between the sections of the Justice Reform Act 2021, the purpose of those sections, any changes brought in clauses found within the Justice Reform (Amendment) Bill 2025, and the Act of Tynwald being addressed by the proposed amendment. Where possible (in the case of a direct simple correlation), an overview of the clause(s) from within the Justice Reform (Amendment) Bill 2025 and a brief summary of the changes are set out. Some of these changes cascade across multiple sections, or impact other Acts of Tynwald, so the following summaries are not in exhaustive detail, however an amended version of key impacted pieces of legislation has been prepared.

These include "as amended" versions of the Justice Reform Act 2021, the Summary Jurisdiction Act 1989 and the Criminal Jurisdiction Act 1993. The full list of "as amended" versions of Acts which have been prepared alongside this consultation can be found at Appendix 3 to this consultation, copies of these Acts can be found within the supporting materials to this consultation on the Consultation Hub.

Abbreviations have been included where necessary in the following sections, to ensure that these sections do not become excessively long, all abbreviations used can be referred to the in the Glossary located in Appendix 1 of this consultation. The common abbreviations are: JRA2021 (for Justice Reform Act 2021), JRAB (for Justice Reform (Amendment) Bill 2025, SJA1989 (for Summary Jurisdiction Act 1989) and CJA1993 for Criminal Jurisdiction Act 1993), s. (for section) and cl. for clause (the "section" within the JRAB).

Infographics have also been incorporated into the following sections, to try and briefly summarise the impact of the changes.

The question in relation to each area appear at the end of the consultation document (pages 71-75) and consist of open questions to allow free text comment.

- ❖ Section 7.2 relates to key corrections or enhancements to the procedure of the Summary Courts;
- ❖ Section 7.3 relates to key corrections or enhancements to the procedure of the Juvenile Courts/Youth Courts;
- ❖ Section 7.4 relates to Other fresh changes or improvements to the procedure of the Summary Courts (COSJ) or Court of General Gaol Delivery (CGGD), or changes that support the operation and administration of the Criminal Justice System; and,
- ❖ Section 7.5 relates to fresh changes in other key policy areas.

made where they have become apparent within statutes that were already to be amended by the Justice Reform Act 2021, or the Justice Reform (Amendment) Bill 2025.

7.2 Key corrections or enhancements to the procedure of the SUMMARY COURTS

Justice Reform Act 2021 (JRA2021)	Justice Reform (Amendment) Bill 2025 (JRAB)	Key legislation amended	Brief description of section purpose / reason for any change
Section 6	Clause 4	JRA2021	<p>Introduction of changes to the jurisdiction and procedure of the Summary Courts.</p> <p>Amendment of the introductory provision in JRA2021, to create a reference to “any court of summary jurisdiction” (which will include Youth Courts), as the jurisdiction of any court of summary jurisdiction would be extended by the Bill.</p>
Sections 9 and 10	Clauses 6 and 7	SJA 1989	<p>Set out the detail of changes related to the jurisdiction of the High Bailiff and is amended as a result of the proposal to change this to the jurisdiction of the Summary Courts as a whole. This will mean that unless precluded by the fresh s.1A of the SJA1989 (see cl. 6) any Summary Court can try any offence and impose a penalty of a term of custody not exceeding 2 years or an unlimited fine¹⁰. In practice – <u>having regard to section 56(4) of the Interpretation Act 2015</u> – these penalties may be imposed cumulatively or alternatively¹¹.</p> <p>Sections 9 and 10 of the JRA2021 introduce the amendments required as a consequence of section 6 – namely the amendments required to implement the changes to the jurisdiction of the Summary Courts across the Island’s statute book (many of which are implemented by Sch. 1 and 2). Certain amendments are proposed to these provisions as a result of the proposal to change this to the jurisdiction of the Summary Courts as a whole.</p> <p>In particular, section 9 sees the fresh insertion of new section 1A, within the SJA1989, in relation to the extended powers of the summary courts. And at section 10, a fresh ss. (1B), sees a change proposed to s.24 of the SJA1989 meaning that the maximum consecutive aggregate sentence for the purpose of that section will become “24 months” rather than the existing “12 months” and better align with the enhanced sentencing powers.</p>

¹⁰ s. 56(3) of the Interpretation Act 2015 states that “If the penalty is a fine and no amount is stated for the fine, there is no limit on the amount of the fine that may be imposed.”

¹¹ S.56(4) of the Interpretation Act 2015 states that “If more than one penalty is stated and the penalties are joined by the word “and” or “or”, the word means that the penalties may be imposed cumulatively or alternatively.”

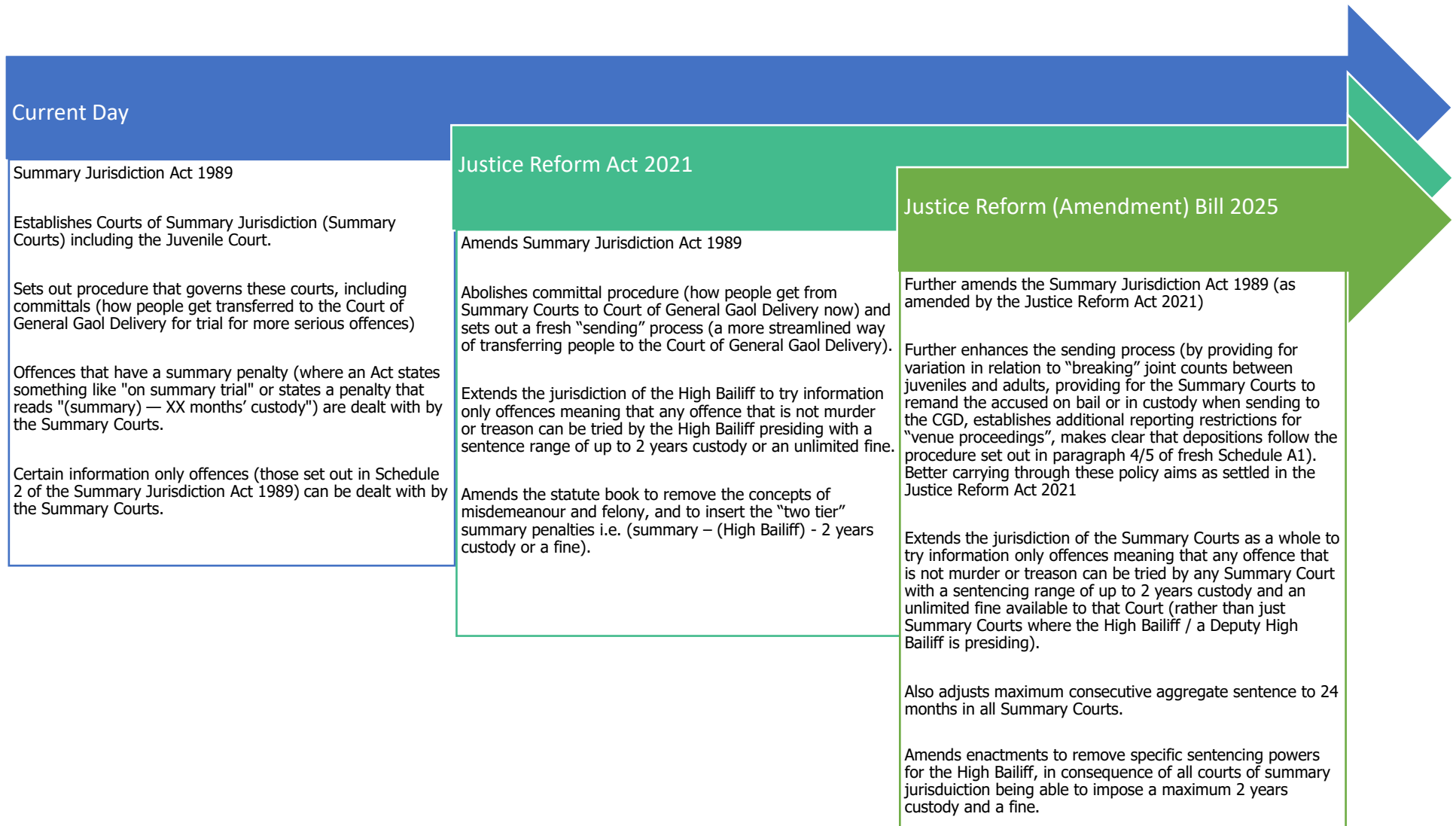
Justice Reform Act 2021 (JRA2021)	Justice Reform (Amendment) Bill 2025 (JRAB)	Key legislation amended	Brief description of section purpose / reason for any change
Schedule 1 and Schedule 2	Clauses 51 and 52	JRA2021 – and wider impact on the Island’s statute book.	<p>Sch. 1 and Sch. 2 are supplementary to section 10 (changes related to the change in jurisdiction of the High Bailiff).</p> <p>The changes contained in Sch. 1 cut across the Island’s statute book predominantly to bring harmonisation within penalties set out for offences (and reflect the impact of the summary penalty for otherwise “information only” offences). This sees the introduction of fresh wording in offences that provided for particular enhanced sentencing powers for the High Bailiff so that offences provide for “Maximum penalty (summary) 2 years’ custody and a fine”, so that those enhanced powers now apply in relation to the sentencing powers of all justices, as well as the High Bailiff.</p> <p>Additionally, Sch. 1 brings changes in relation to the removal of the concepts of felony and misdemeanour set out under the JRA2021 progression.</p> <p>In relation to Sch. 2, these JRA2021 changes are to be made to the Proceeds of Crime Act 2008. At present draft Proceeds of Crime Bills 2025 have been consulted on, and recognising the potential for any subsequent changes depending on the legislative progression of these Bills, a fresh para. 36 to Sch.2 is proposed within cl. 52 of the JRAB. This would allow the Department to make Regulations which, following approval by Tynwald, could make any required adjustments to Sch. 2 (or elsewhere as needed within Manx statutes) as a result of the changes to the jurisdiction of the Summary Courts.</p>
Sections 11 to 24	Clauses 8 to 17	SJA 1989	<p>Changes to harmonise with the extending of the jurisdiction of the Summary Courts (as per the amendment to section 6).</p> <p>Additionally, other corrections or adjustments reflect matters such as any required correction of cross-referencing errors, or adjustment of terminology to reflect a better or clearer alternative e.g. an adjustment to s.10 JRA2021 to refer to “a Deputy High Bailiff”. Other small harmonisations or enhancements include, for example, amendments to s.11 JRA2021, where the inserted 7A to 7D is adjusted to make clear that representations from prosecutions will be heard (at 7C) and that comments made by a member of the public</p>

Justice Reform Act 2021 (JRA2021)	Justice Reform (Amendment) Bill 2025 (JRAB)	Key legislation amended	Brief description of section purpose / reason for any change
			<p>form part of ss. (11) within 7C (an adjustment that aligns with similar wording elsewhere in JRAB).</p> <p>Certain other more detailed amendments can be referred to within sections 7.4 and 7.5 of this consultation document.</p>
Schedule 3	N/A	As per Sch.3	<p>Schedule 3 is supplementary to section 12 (abolition of committal proceedings). Various repeals are set out in Sch. 3 as a result of the changes made by the JRA2021.</p> <p>No specific changes have been identified to Sch. 3 or addressed by JRAB.</p>
Procedural matters – section 25 to 29	Clauses 18 to 21	SJA1989	<p>Procedural changes to the SJA 1989, as set out in the JRA2021. Any identified corrections or adjustments reflect matters such as any required correction of cross-referencing errors, or adjustment of terminology to reflect a better or clearer alternative e.g. fresh s.29A JRA2021 corrects references to “His Majesty, King Charles the Third”.</p> <p>Certain other more detailed amendments can be referred to within sections 7.4 and 7.5 of this consultation document.</p>

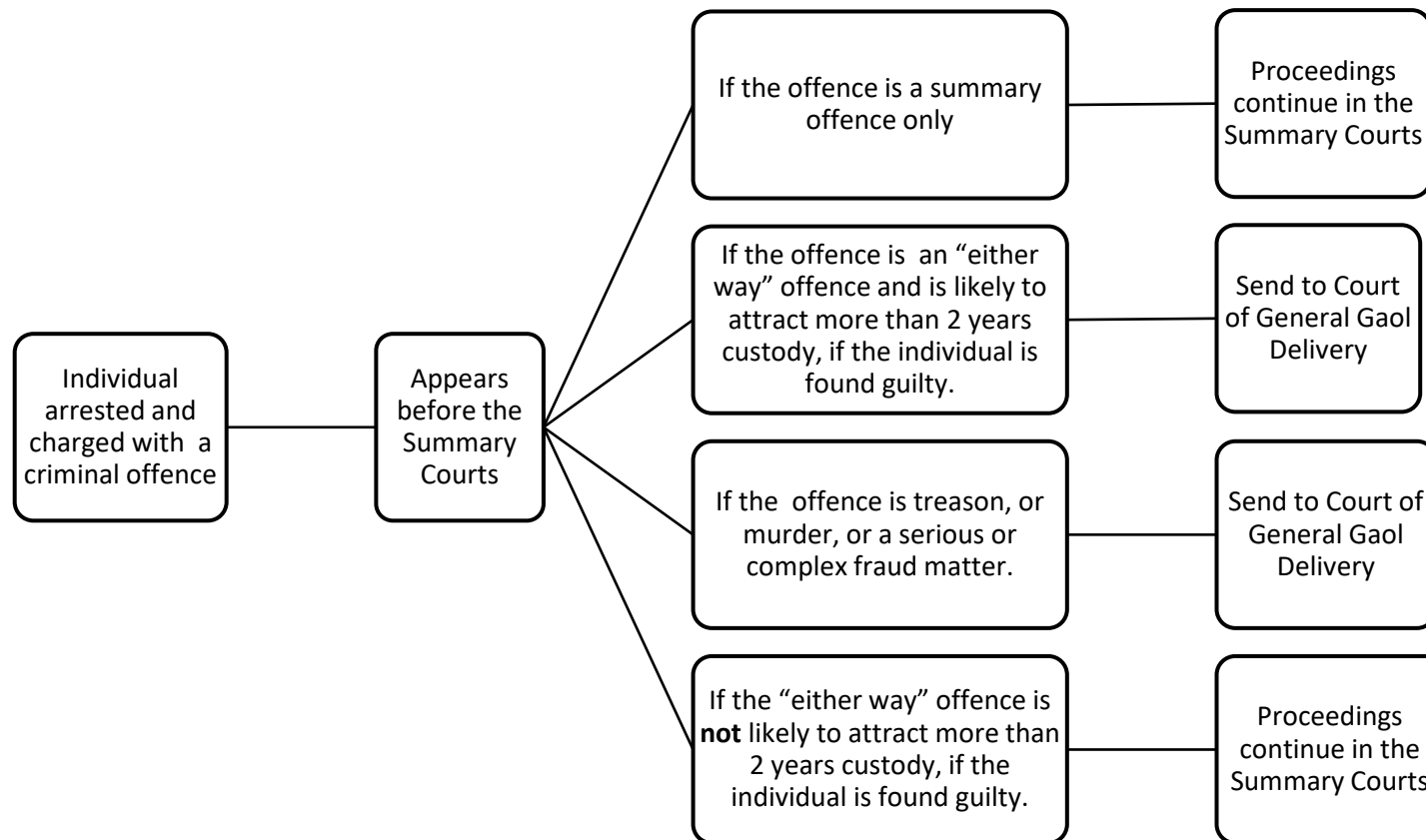
For ease of reference, it is noted that sections 30 to 41 of the JRA2021 deal with the changes to the procedure of the Court of General Gaol Delivery. Any amendments to these sections are found within cl.22 to 27 of the JRAB, and certain other more detailed amendments can be referred to within sections 7.4 and 7.5 of this consultation document.

Changes in relation to Juvenile Courts / Youth Courts are set out in more detail within section 7.3 of this consultation.

Impact of the corrections or enhancements to the procedure of the **SUMMARY COURTS**



What does this mean for progression through the **SUMMARY COURTS** System



7.3 Key corrections or enhancements specific to the procedure of the JUVENILE COURTS/YOUTH COURTS

Justice Reform Act 2021	Justice Reform (Amendment) Bill 2025	Key legislation being amended	Brief description of section purpose / reason for any change
Section 7	N/A	SJA1989	<p>Introduction of change to the jurisdiction and title of the Juvenile Courts / Youth Courts.</p> <p>The Juvenile Courts, as presently titled, are the division of the Summary Courts that presently deal with criminal cases where the accused is a child or young person ("juveniles"), when the SJA1989 stipulate that they be dealt with by this Court.</p> <p>At present, the SJA1989 refers to the Juvenile Courts and their jurisdiction which is those under 17 years of age.</p> <p>The JRA2021 will amend this by renaming these Summary Courts as the Youth Courts and extending their jurisdiction to those under 18 years of age. No changes are proposed to section 7 of the JRA2021.</p>
Section 8	Clause 5	Various Acts of Tynwald as per s. 8 JRA2021	<p>Set out the detail of changes related to the jurisdiction of the Youth Courts and their change of title.</p> <p>Section 8 of the JRA2021 introduces the amendments required as a consequence of section 7 – namely the amendments required to implement the changes to the jurisdiction of the Youth Courts (or their change of title) across the Island's statutes.</p> <p>For ease of reference, it is noted that s. 37 to 40 of the SJA1989 (as amended by s.8 of the JRA2021) deal with the constitution, jurisdiction and procedure of the Youth Courts.</p> <p>The following Acts are amended as a result of the change to the title and jurisdiction of the Youth Courts:</p>

Justice Reform Act 2021	Justice Reform (Amendment) Bill 2025	Key legislation being amended	Brief description of section purpose / reason for any change
			<ul style="list-style-type: none"> • Summary Jurisdiction Act 1989 (where sections 37 to 40 are of particular note); • Petty Sessions and Summary Jurisdiction Act 1927; • Criminal Justice Act 1963; • Children and Young Persons Act 1966; • Criminal Law Act 1981; • Legal Aid Act 1986; • Custody Act 1995; • Criminal Justice Act 2001; • Children and Young Persons Act 2001; • Education Act 2001; • Interpretation Act 2015. <p>The amendment proposed to s.8 by cl. 5 of the JRA2021 is solely to indicate that the agreed amendment to the Interpretation Act 2015 be inserted <i>at the appropriate point in the alphabetical list</i> within Sch. 1 of that Act.</p>
Section 19	Clause 14	SJA1989 s.19	<p>Section 19 of the JRA2021 deals with changes to s.19 of the SJA1989. This provision generally deals with the fact that children and young people are to be dealt with summarily (unless precluded by this section).</p> <p>Additional amendments are proposed to this section (by cl. 14 JRAB) in order to better align with the fresh s.18D inserted by s.18 of the JRA2021, and to align with the changes proposed to the jurisdiction of the summary court as a whole (and any technical supplementary adjustments to provide for committal for sentencing if required).</p>
Section 21	Clause 15	SJA1989 s.27	<p>Section 21 of the JRA2021 deals with changes to s.27 of the SJA1989 that relates to the restriction on fines for children and young persons. In line with other changes, proposed more generally to the jurisdiction of the Summary Courts, and set out</p>

Justice Reform Act 2021	Justice Reform (Amendment) Bill 2025	Key legislation being amended	Brief description of section purpose / reason for any change
			<p>within section 7.2 of this consultation, a change is proposed by cl. 15 of the JRAB, which sees the repeal of s. 27 of the SJA1989.</p> <p>This would remove the present “cap” to fines issues by the Youth Courts, presently “capped” at level 4 on the standard scale, and proposed to be removed in line with the broader changes to the jurisdiction of the Summary Courts as a whole.</p>

For ease of reference, it is noted that section 7.2 of this consultation deals with changes related to the procedure of the Summary Courts as a whole and will be applicable in most instances to the Youth Courts also.

Additionally, certain other more detailed amendments, including those in relation to the Court of General Gaol Delivery, can be referred to within sections 7.4 and 7.5 of this consultation document, albeit these do not relate directly to the Youth Courts.

Impact of the corrections or enhancements to the procedure of the **JUVENILE COURTS/YOUTH COURTS**

Current Day

Summary Jurisdiction Act 1989

Establishes a separate Summary Court – the Juvenile Court.

Jurisdiction of the Juvenile Courts is restricted to dealing with those under 17 years of age.

Certain offences must be committed to the Court of General Gaol Delivery i.e. Sexual Offences, murder, offences that would attract more than 14 years adult penalty when committed by a person over 14 years of age, any offence charged jointly with a person aged 17 or over.

Justice Reform Act 2021

Amends Summary Jurisdiction Act 1989

Changes the title of the Juvenile Courts to the Youth Courts and extends their jurisdiction to those under 18 years of age.

When the High Bailiff is presiding over a Youth Court, it can try information only offences that would be punishable, in the case of an adult, with no more than 2 years' custody. Fines in the Youth Courts are capped at level 4 on the standard scale.

Certain offences must be sent to the Court of General Gaol Delivery i.e. murder or treason or offences that would be punishable, in the case of an adult, with more than 2 years' custody, complex fraud cases, offences with licensing requirements (under s.38 of CJA2001 for sexual or violent offence) or any sexual offences, and any offence charged jointly with a person over 18 years of age (that is sent to Court of General Gaol Delivery).

Justice Reform (Amendment) Bill 2025

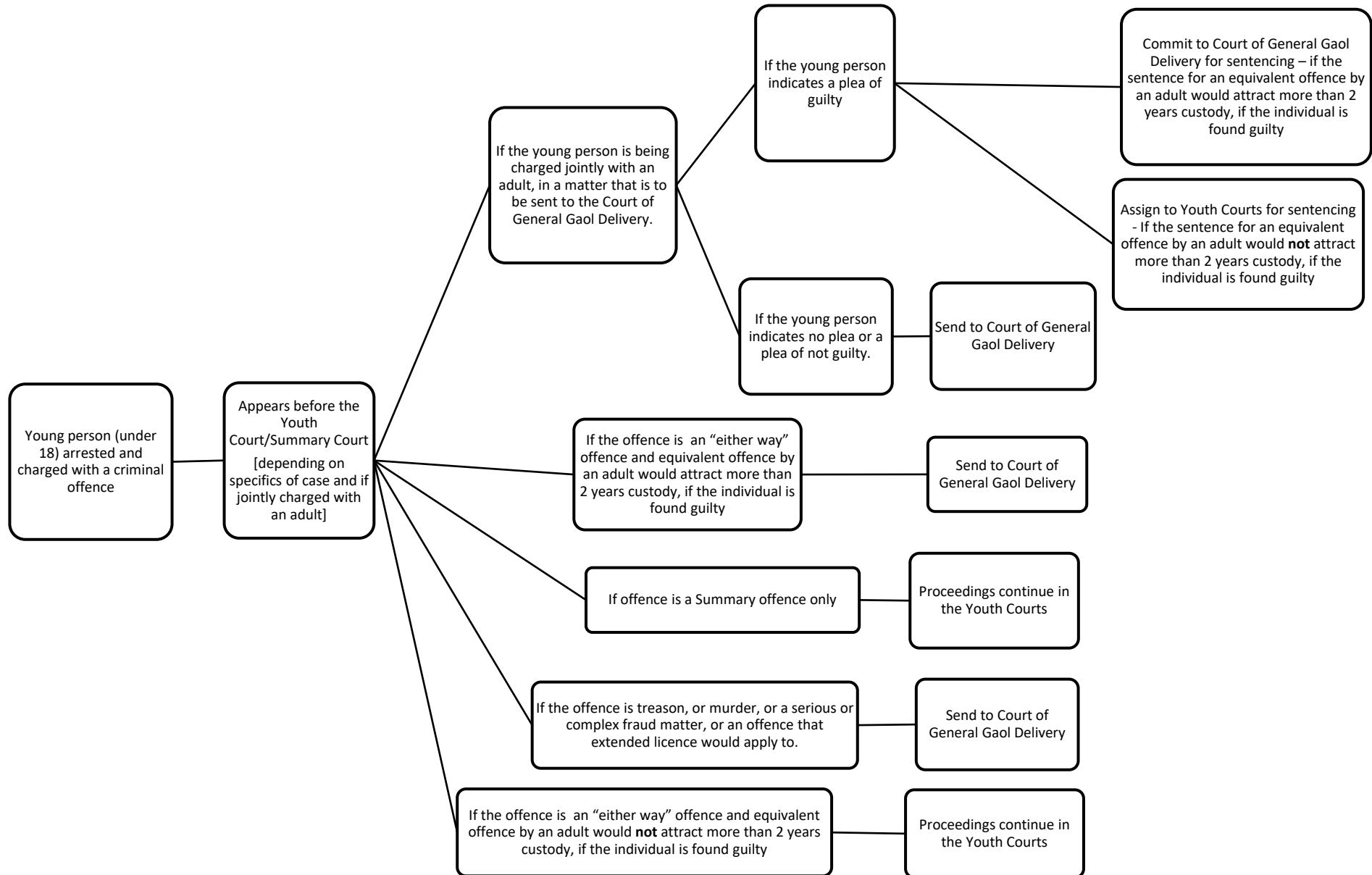
Further amends the Summary Jurisdiction Act 1989 (as amended by the Justice Reform Act 2021).

Further extends the jurisdiction of the Youth Courts to try information only offences (including when the High Bailiff is not presiding) where the maximum sentence is 2 years and an unlimited fine.

Changes proposed mean that the only offences that must be sent to the Court of General Gaol Delivery become murder/treason, offences that would be punishable in the case of an adult with more than 2 years' custody, complex or serious fraud cases, offences with extended licensing requirements (under s.38 of CJA2001 for sexual or violent offence). Better carrying through these policy aims as settled in the Justice Reform Act 2021

In the case of a "joint count", a change is proposed to allow that a young person can plead before a Summary Court, and if they enter a guilty plea can be sent to either Court of General Gaol Delivery or the Youth Court for sentencing. Again, better carrying through these policy aims as settled in the Justice Reform Act 2021

What does this mean for progression through the **JUVENILE COURTS/YOUTH COURTS** System



7.4 Other fresh changes or improvements to the procedure of the Summary Courts (COSJ) or Court of General Gaol Delivery (CGGD), or changes that support the operation and administration of the Criminal Justice System.

Rules of Court – harmonisation of Tynwald procedure, expansion of vires in relation to things like electronic transactions and court forms. Also, addition of vires ref. advance information from Prosecutions.

s.91 (and 91A) SJA 1989, s.57 CJA1993 and s. s.25, fresh s.25A (and s.27) of the HCA1991.

JRA2021 - s.26A inserted & 27 amended, s.40, Sch1. 1 para. 95 substituted.

JRAB - cl. 18 and c. 51(44).

See also JRAB cl.20 that amends s.28 JRA2021 ref. court seals

Fresh s.91B inserted in SJA1989 - in relation to requirement to attend court and appropriate perjury applicability mirroring existing s.32A of CJ,P&CA2007

s.91B SJA1989

JRA2021 - s.27 amended

JRAB - cl. 19

Additional small harmonisation changes to s.91A SJA1989 as inserted by JRA2021 s.27 / amended by JRAB cl. 19

Additional protections for the reporting of proceedings in either COSJ or in sending/venue proceedings for COSJ/CGGD – including things like social media reports.

New s. 7A to 7D inserted in SJA1989 (pre-trial rulings), new s. 18 to s. 18I inserted in SJA1989 (new sending process) and new Sch. A1 in CJA1993 (dealing with sent matters).

JRA2021 - s.11 (pre-trial rulings), s.18 (new sending process) and s.32 (dealing with sent matters).

JRAB - cl.8 (pre-trial rulings), cl. 13 (new sending process and in particular the insertion of new s. 18G/18H within s.18 JRA2021, cl.23 (dealing with sent matters) and cl.51(5) [in relation to the Children and Young Persons Act 2001]

Insertion of fresh s.18I to “signpost” depositions process in the new Schedule A1 of the CJA 1993.

SJA1989 new s. 18I inserted

JRA2021 - s. 18 amended

JRAB - cl. 13(1)(g)

Insertion of fresh s. 18F to address absence of Bail provisions in sending.

SJA1989 new s. 18F inserted

JRA2021 - s.18 amended

JRAB - cl. 13(1)(g)

Small amendment to s.15A SJA1989 to make clear when s.18E will apply.

SJA1989 - s.15A amended

JRA2021 - s. 15 amended

JRAB - cl.11

Change to the jurisdiction of the summary courts in relation to maritime offences.

SJA1989 - new s.30A

JRA2021 - new s.23A

JRAB - cl. 16

The insertion of fresh s. 23A in the SJA1989 to provide for a court to defer sentencing for up to 6 months, subject to conditions, where the court believes this is in the interests of justice, prior to sentencing the offender.

SJA1989 - new s.23A

JRA2021 - substitution of section 21

JRAB - cl. 15

Change in relation to Costs within s. 47 SJA1989 to provide that "mixed decision" costs orders can be made in connection with civil matters.

SJA1989 - s.47 amended

JRA2021 - new section 23B

JRAB - cl. 16

Small amendment to s.82 SJA 1989 to provide a clarification ref. alternative verdicts.

SJA1989 s.82 amended

JRA2021 - para. 31 of Sch.1 amended

JRAB - cl.51(12)

Change to SJA 1989 s.94A to extend the attachment of earnings orders and benefit deductions to orders for periodical payments of maintenance.

SJA1989 - s.94A, s.96 and s.102A

JRA2021 - s.28 amended with new ss.(9A), (9B) and (10C) inserted

JRAB - 20(b) & (c)

See also SJA s.47 / JRA2021 new s.23B / JRAB cl. 16 ref. variation and payment of periodic payments orders.

Change to SJA 1989 s.96(4) to remove the presumption of custody (that is not ECHR compliant).

SJA1989 - s.96(4)

JRA2021 - s.28 amended with new ss. (9B) inserted

JRAB - cl. 20(b)

Change to SJA 1989 s.102 to allow suspension of custody for a default on a fine (to support fact that custody makes this more difficult).

SJA1989 - s.102

JRA2021 - s.28 amended with new ss.(10B) inserted

JRAB - cl. 20(c)

Change to SJA 1989 s.98 timescales for non-payment of a fine – “standard” period of 7 days removed.

SJA1989 - s.98

JRA2021 - s.28 amended with new ss.(9C) inserted

JRAB - cl. 20(b)

Addressing of “unfitness to plead” for purposes of CJA1993, partly addressed in consequential amendments to the JCA 1993 in the ADO No.3 2024, now supplemented.

CJA1993 - s.9
JRA2021 - s. 36A inserted
JRAB - cl. 25

Changes in relation to the summoning of witnesses to the Court of General Gaol Delivery.

HCA1991 - new s. 33B
JRA2021 Sch.1 para. 95 amended
JRAB - cl.51(44)

Small change to provide for representatives for companies in relation to s.16A *Small claims adjudication - representation* of the HCA 1991.

HCA1991 - s.16A amended
JRA2021 - Sch. 1 para. 95 amended
JRAB - cl. 51(44)

Additional provision amending s.57 HCA1991, to reflect that in setting Fees, Treasury must have regard to the principle that access to the courts must not be denied [access to justice]

HCA1991 - new s. 33B
JRA2021 Sch.1 para. 95 amended
JRAB - cl.51(44)

Part 5 JRA2021 – harmonisation with the fact that when Regulations are made under this part – the Treasury will need to consult with the Deemsters.

JRA2021 - s. 42 to s.50
JRAB - cl. 28 to 34 (as this amendment is made in various sections)

Change to allow that a compensation order alone can be a disposal.

Criminal Law Act 1981 - Sch. 6
JRA2021 - Sch. 1 para. 90 amended
JRAB - cl. 51(39)

Insertion of a new provision in the Bail Act 1952 allowing Prosecution to challenge bail being granted.

Bail Act 1952 - s.3C to 3E inserted
JRA2021 Sch. 1 para. 79 amended
JRAB - cl. 51(29)

General harmonisation of language e.g. "Chief Registrar" to "court" or changes to remove outdated references e.g. Her Majesty becomes "His Majesty", "the" Deputy High Bailiff becomes "a" Deputy High Bailiff, "Staff of Government Division" becomes "the Appeal Division" etc.

JRAB clauses throughout - wherever such a change was noted as required in Island's statute book

Other more technical changes needed to ensure that appropriate Manx legal procedures are cross referenced or defaulted to throughout all legislation)

JRAB - clauses throughout

e.g. in relation to verdict of acquittal, removal of references to AGC making applications (s. 89 SJA1989)

JRA2021 - s.28 amended new ss. (10D) inserted by JRAB - cl.20

or e.g. Prosecutions giving bail bonds (s.10 Bail Act 1952 repealed).

JRA2021 Sch. 1 para. 79 amended new ss.(5) inserted by JRAB - cl. 51(29) making repeal

or e.g. in relation to consultation with the Isle of Man Immigration Office prior to the condition of a conditional caution being made that requires a person to leave the Island

JRA - s.57 amended new ss. (9A) inserted by JRAB - cl. 37

7.5 Fresh changes in other key policy areas

The following are fresh changes which form part of the Justice Reform (Amendment) Bill 2025 and represent policy which is proposed to be inserted within a range of current Acts of Tynwald. In this instance, to provide a snapshot of the proposed policy change, and to simply identify the piece of legislation which the amendment targets, these are broken down as a chronological list of pieces of legislation, that for the most part mirror the list in the clauses found in Part 3 *Miscellaneous amendments* of the Justice Reform (Amendment) Bill 2025.

These are as follows:

Criminal Code 1872 [s.19 of that Code] JRAB - c.51(2-21)	Firearms Act 1947 JRAB - cl. 54	Criminal Justice Act 1963 JRAB - cl. 55	Jury Act 1980 JRAB - cl.56	Road Traffic Act 1985 JRAB - cl. 57
Legal Practitioners Act 1986 JRAB - cl. 58	Coroners of Inquests Act 1987 JRAB - cl.59	Criminal Justice Act 1991 JRAB - cl.60	Shotguns, Air Weapons and Cross- bows Act 1994 JRAB - cl.61	Custody Act 1995 JRAB - cl.51(47)
Police Powers and Procedures Act 1998 JRAB - cl. 40 to 43	Protection from Harassment Act 2000 JRAB - cl.62	Human Rights Act 2001 JRAB - cl. 63	Fireworks Act 2004 JRAB - cl. 64	Criminal Justice, Police and Courts Act 2007 JRAB - cl. 50
Criminal Procedure and Investigations Act 2016 JRAB - cl. 65	Criminal Evidence Act 2019 JRAB - cl. 66	Domestic Abuse Act 2020 JRAB - cl. 67	Liquor Licensing and Public Entertainments Act 2021 JRAB - cl. 68	Sexual Offences and Obscene Publications Act 2021 JRAB - cl. 69

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
s. 19 of the Criminal Code 1892	JRAB – cl.51(5)	<p>Changes are already made in Sch. 1 of the JRA2021 as passed, which will amend the Criminal Code 1892. These are found in Division 1 of that Schedule which contains paragraphs 1 through to 60. For the most part – any changes proposed by the JRAB to these paragraphs – and set out in cl. 51 relate to harmonisation of language (e.g. “His Majesty”) or with the broader changes proposed to the jurisdiction of the Summary Court, or are made to target repeals and “tidy” this Code.</p> <p>At para. 11, changes related to s.19 of the Criminal Code 1892 were already included in the JRA2021 and saw a correction where the reference to “a misdemeanour” was omitted.</p> <p>However, several additional changes are now being proposed in connection with s.19 <i>Conspiring or soliciting to commit murder</i> - one that, for harmonisation purposes, sees the removal of the reference in that section to “Her Majesty”, and one which is significant and sets out fresh policy.</p> <p>The significant change proposed is in relation to the penalty for conspiring or soliciting to commit murder, which is proposed to be increased from the present “term not exceeding 10 years” to a maximum penalty of custody for life, that better aligns with the penalty for murder, which is “fixed by law” as custody for life.</p> <p>Within England and Wales, such offences are referred to as <i>inchoate offences</i> – and attempt to commit, conspiracy to commit and incitement to commit such an offence is treated, for the most part, as an offence that has the same penalty as if the primary offence had been committed. Further reference to the range of inchoate offences in England and Wales can be made within the Sentencing Act 2020 (an Act of Parliament).</p> <p>In relation to conspiracy to commit murder, and soliciting to commit murder, given the seriousness of this crime, increase of this penalty appears to be in keeping with the broader intent of Justice Reform.</p> <p>It is also noted that while the above amendment is proposed now to target this one key point within the Criminal Code 1892, a more detailed review of the Criminal Code is planned as part of the Department’s ongoing work streams in relation to the modernisation and improvement of the Island’s</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		Criminal Justice System and the legislation that system rests upon. In the future, further legislative changes will follow which will include a Sentencing Bill, which will be wider ranging, with a core focus on existing offences and their associated penalties, and suitable harmonisation of the statute book.
Firearms Act 1947	JRAB - cl. 54	<p>The Firearms Act 1947 is proposed to be amended by the insertion of a new s. 30A in relation to the issuance of Statutory Guidance for the purposes of that Act, which the Chief Constable must have mind to when exercising their functions under that Act, and which the High Bailiff must have mind to (if relevant to any appeal heard under that Act).</p> <p>Similar such Statutory Guidance exists in England and Wales and is issued by the Home Office. This Guidance deals with a range of matters including suitability checks (background checks, safety checks, medical checks) along with other potential additional checks in relation to other factors such as social media, or history of domestic abuse.</p> <p>It is also noted that a wider consultation on Firearms is planned in relation to the planned fresh Firearms (and Offensive Weapons) Bill (indicated within the Island Plan Legislative Programme 2021-2025). However, given the potential importance of the ability to issue Firearms Statutory Guidance, alongside recognition of a key Tynwald Policy Decisions (ref. 14/20 – from the Social Affairs and Policy Review Committee of Tynwald Report in relation to Mental Health and Suicide), this targeted amendment to the Firearms Act 1947 is proposed for progression within the JRAB.</p>
Criminal Justice Act 1963	JRAB - cl. 55	<p>A fresh change is proposed to the Criminal Justice Act 1963, which would see the repeal of s. 30 <i>Probation Liaison Committee</i> and s. 31 <i>Probation rules</i>.</p> <p>In practice, the Probation Liaison Committee is a meeting between members of the Department of Home Affairs, the Isle of Man Prison and Probation Service, the Magistracy and Judiciary. However, its membership and purpose have fallen out of practical usage and its composition is now outdated.</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>For example, the meeting requires the attendance of 3 members to be quorate, given that there are only two members of the judiciary and two Magistrates who sit on the committee it is often the case that the PLC is not quorate.</p> <p>Generally, given the working relationships within the Criminal Justice System and the emergence of better alternative Forums and ways of working, it is proposed that this Committee be reconstituted under the umbrella of the Criminal Justice Board which has been given statutory foundation under s.4 the Justice Reform Act 2021, and can establish sub-Committees as required, the first of which is likely to be the Community Safety Partnership. This would see that committee form part of this modernised approach to partnership working across the Criminal Justice System, and ensure that its membership was representative of all key stakeholders in that System.</p>
Jury Act 1980	JRAB - cl.56	<p>A range of changes are proposed to the Jury Act 1980, the initial such few changes set out within cl. 56 of the JRAB are harmonisation changes correcting reference to "Her Majesty" and "coroner". These will not form part of the consultation questions in respect of the Jury Act 1980.</p> <p>However, other more detailed fresh changes are being proposed for consultation as follows.</p> <ol style="list-style-type: none"> 1) The change set out in the proposed new ss. (1A) within s.9 <i>Inspection of lists of jurors</i>. The new subsection (1A) provides that Regulations under s.9 may prescribe fees in relation to the supply of copies of lists of jurors, and also that these regulations may prescribe matters in relation to disclosure or use of the information contained in these lists. This is a practical change to ensure that these harmonise with the rest of this provision, which already include those in relation to prohibitions from disclosure or use etc. 2) The changes proposed in relation to s.24A <i>Majority verdicts</i> further adjust amendments brought to this section by the JRA2021 and commenced on the 20 December 2024, in accordance with the Justice Reform Act 2021 (Appointed Day) (No. 3) Order 2024 [SD 2024/0277]. At that time, the targeted commencement of s. 103(4) JRA2021 meant that a verdict will be taken to be unanimous

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>when 10 jurors (in the case of an 11 or 12 juror jury), or 6 jurors (in the case of a 7 juror jury), fully deliberate and reach a decision.</p> <p>The subsequent amendments proposed now to s.24A would mean that:</p> <ul style="list-style-type: none"> • in a case where the jury comprises 11 or 12 jurors, at least 10 of them agree the verdict; • in a case where the jury comprises 10 jurors, at least 9 of them agree the verdict; • in a case where the jury comprises 9 jurors, all 9 of them agree the verdict; • in a case where the jury comprises 6 or 7 jurors, at least 5 of them agree the verdict. <p>This would provide even greater flexibility in respect of jury numbers and consensus, particularly in instances where jurors are lost (through illness, death or other issues). Additional changes are proposed at s.28 (<i>Death or illness, etc. of member of jury in a criminal trial</i>) which harmonise with this fresh default position.</p> <p>3) This builds on changes made by the JRA2021, that took effect on 20 December 2024 as set out above, and in certain instances (e.g. in relation to majority verdicts, peremptory challenge and judge only trials) were made to address recommendations made by the Tynwald Select Committee on the Operation of the Jury System. Further information around these recommendations can be found within the Tynwald Policy Decisions report and reference to the changes already made can be found within the Jury Act 1980 as presently in operation (and the footnotes to that Act). Further changes are proposed by the substitution of s.26 with an alternative section that modernises the process that is followed in relation to the empanelment of juries for criminal trials, and the processes followed with regard to juror “discs”.</p> <p>4) A fresh ss. (6) is proposed within s.31 <i>Offences</i>, in relation to contempt by disclosure of the identity or address of a juror. This proposal harmonises with others found in the Contempt of Court Bill 2025.</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>5) Finally, s.32 is proposed to be amended both by the revision of the Department with responsibility of making Orders in relation to remuneration being adjusted to the Department of Home Affairs, which reflects the Department's increasing role in relation to 'justice matters', and a small but significant change to indicate that such remuneration as is the entitlement of a juror will be prescribed by Order. This removes the monetary figures etc. otherwise presently stated in s.1 and allows for a more nuanced approach to making such an Order (following consultation with the Deemsters and with the approval of Tynwald). S.33 <i>Orders by Treasury</i> is proposed to be repealed alongside these changes as it related directly to s.9.</p>
Road Traffic Act 1985	JRAB - cl. 57	<p>A small cross-referencing correction is proposed to the Road Traffic Act 1985 which presently incorrectly refers to since repealed Summary Jurisdiction Act 1956 and is proposed instead to be amended to refer to the current relevant provision. – s.91 of the SJA1989.</p> <p>Given this this is a harmonisation change, therefore no formal consultation question is being included within this consultation in respect of this Act.</p>
Legal Practitioners Act 1986	JRAB - cl. 58	<p>A change is proposed in connection with the Legal Practitioners Act 1986, in relation to immigration advisors. These functions are not currently regulated, and the Department is responding to concerns raised in relation to ensuring people acting as immigration advisors are subject to appropriate oversight.</p> <p>Fresh s.1A and s.1B are proposed to be inserted which address a restriction on the provision of immigration services and prohibition on advertising immigration services for those who are not appropriately registered.</p> <p>These provisions are proposed to align loosely with the approach taken in the United Kingdom, where those who provide immigration advice are subject to registration requirements unless they are members of a professional body and thereby precluded from these requirements. These provisions are set out within the <u>Immigration and Asylum Act 1999 (an Act of Parliament)</u>. More information</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>about this approach can be found here and detailed information in relation to the Immigration Advice Authority can be found here.</p> <p>The proposal is that a person shall be entitled to be registered if he satisfies the Registrar General that —</p> <ul style="list-style-type: none"> (a) he is a fit and proper person to be registered; and (b) he holds a prescribed legal qualification which would enable him to practise law in the country in which he is qualified; and (c) he, or a firm of which he is a member or employee, has a permanent establishment in the Island; and (d) he complies with such further conditions as are prescribed.
Coroners of Inquests Act 1987	JRAB - cl.59	<p>A small change is proposed to s.2 of the Coroners of Inquests 1987 to correct wording at the end of that section which was otherwise amended by s.105 of the JRA2021.</p> <p>The insertion of ss.(4)(d) within s.2 could not be appropriately inserted due to an error in the text as it was to be inserted (see s.105 of the published version of the JRA2021 and the editorial note in respect of this) - where a stray “and” was included within the text of the section. This was not noticed until the section was subject to the Justice Reform Act 2021 (Appointed Day) (No. 1) Order 2022 [SD 2022/0265], and then noted for correction within the JRAB as correction of this cannot be done by reprint mechanism (under Part 5 of the Legislation Act 2015).</p> <p>The sole change to the JRA2021 s.105 amendment which was progressed is the removal of the stray “and” – and therefore no formal consultation question is being included within this consultation in respect of this Act.</p>
Criminal Justice Act 1991	JRAB - cl.60	This fresh change is proposed within the Criminal Justice Act 1991 where s. 7 <i>Evidence from computer records</i> , which is supplemented by Schedule 1 <i>Provisions supplementary to section 7</i> , are both

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>proposed to be repealed. It is intended to support the transformation of the Criminal Justice System to a more digital way of working by clearly setting out how digital evidence can be used in proceedings.</p> <p>S. 7 and its associated Schedule were originally based, in drafting, on provisions found within the Police and Criminal Evidence Act 1984 (PACE) (an Act of Parliament), most notably at s. 69 of that Act (and the associated Schedule 3 of that Act), which previously governed the admissibility of computer-generated evidence.</p> <p>Subsequently in the UK, section 60 <i>Removal of restriction on use of evidence from computer records</i> of the Youth Justice and Criminal Evidence Act 1999 (an Act of Parliament) ceased the applicability of s. 69 of PACE.</p> <p>Prior to this cessation, s. 69 of PACE required proof that a computer was operating properly before its records could be admitted as evidence.</p> <p>The Youth Justice and Criminal Evidence Act 1999 established a presumption that computer evidence is accurate, and the onus is on the party challenging its accuracy to provide evidence to the contrary.</p> <p>This is generally referred to as the common law (rebuttable) presumption and was established following publication of the Law Commission's Evidence in Criminal Proceedings: Hearsay and Related Topics that recommended that s.69 be repealed and not replaced (see point 1.51 of that Report), a repeal that took place as described above.</p> <p>The Island's legislation was based on that of the UK, therefore, having identified that we have fallen "out of step", it is proposed that the same repeal takes effect here via the proposed JRAB change. This is practical as either where there is no unique reason to have a unique Manx provision, in relation to a "common" legal concept, and where either specific Manx case law does not exist or "common" precedent case law from England and Wales would be persuasive (when both Manx and England and Wales laws are in harmony), such divergences are not practical.</p>
Shotguns, Air Weapons and	JRAB - cl.61	In a similar manner to the proposed amendment of the Firearms Act 1947, set out above, the Shotguns, Air Weapons and Cross-bows Act 1994 is proposed to be amended by the insertion of a new s. 11A in relation to the issuance of Statutory Guidance for the purposes of this Act, which the

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
Cross-bows Act 1994		<p>Chief Constable must have mind to when exercising their functions under this Act, and which the High Bailiff must have mind to (if relevant to any appeal heard under this Act).</p> <p>Similar such Statutory Guidance exists in England and Wales and is issued by the Home Office. This Guidance deals with a range of matters including suitability checks (background checks, safety checks, medical checks) along with other potential additional checks in relation to other factors such as social media, or history of domestic abuse.</p> <p>It is also noted that a wider consultation on Firearms is planned in relation to the planned fresh Firearms (and Offensive Weapons) Bill (indicated within the Island Plan Legislative Programme 2021-2025). However, given the potential importance of the ability to issue Firearms Statutory Guidance, alongside recognition of a key Tynwald Policy Decisions (ref. 14/20 – from the Social Affairs and Policy Review Committee of Tynwald Report in relation to Mental Health and Suicide), this targeted amendment to the Firearms Act 1947 is proposed for progression within the JRAB.</p>
Custody Act 1995	JRAB - cl.51(47)	<p>A number of key amendments are proposed to be made to the Custody Act 1995. These amendments are to be inserted within para. 98 of Sch. 1 of the JRA2021, which deals with the Custody Act 1995 and has not yet been commenced.</p> <ol style="list-style-type: none"> 1) The first key change is the proposed insertion of a new s.19A <i>testing prisoners for alcohol, drugs, psychoactive substances and other substances</i>. This proposes to modernise the existing s.19A which appears to have its drafting basis in s.16A of the Prisons Act 1952 (an Act of Parliament), but has diverged from that Act over time. To be clear, the ability to test prisoners for drugs and alcohol is not a fresh proposal, however the range of substances which might be tested for, and the ability to amend s.19A by Regulations when there are changes in respect to human medicines, are fresh. 2) The second key change is a small amendment proposed within s.21 <i>Temporary release</i>, s.22 <i>Temporary release on grounds of ill health</i>, and s.23A <i>Release in case of overcrowding</i>, to insert wording in relation to the electronic monitoring on release of such a person.

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>These small amendments are for clarity as the provisions already in place at ss.(1) of each section (and in relation to s.21, as supplemented by Rule 16 of the Custody Rules 1995) allow the detainee to be released subject to conditions as either the Prison Governor (for s.21) or the Department (either for releases under s.21 of more than 28 days in compliance with Rule 16, or release under s.22 or s.23A).</p> <p>At present, Temporary release of any individual with an electronic monitoring condition under any of the foregoing sections is lawful, given that the release may be subject to conditions (and is an alternative to custody, in certain instances).</p> <p>However, given the specific wording within para. 8(4A) of Sch. 2 to the Custody Act 1995, which makes explicit reference to electronic monitoring as a condition of licences for the purposes of that Schedule, the small harmonisation changes proposed to s.21, s.22 and s.23A clarify this position, and ensure better coherence within the Act more generally.</p> <p>Finally, a range of other harmonisation changes i.e. those in relation to adjustment of the maximum summary penalty for offences (i.e. 2 years custody and a fine) are also proposed to be made in the Custody Act 1995, in all relevant places. These general changes form part of the enhancements set out in section 7.2 of this consultation, and therefore no consultation question is included in respect of these matters in relation to section 7.5 of this consultation.</p> <p>A more detailed review of the Custody Act 1995 forms part of the Department's ongoing work streams in relation to the modernisation and improvement of the Island's Criminal Justice System and the legislation that system rests upon. In the future, further legislative change will likely follow and see broader modernisation of the Custody Act 1995.</p>
Police Powers and Procedures Act 1998	JRAB - cl. 40 to 43	A number of key amendments are proposed to be made to the Police Powers and Procedures Act 1998 (PPPA1998) . This is the main Act of Tynwald which deals with the powers and duties of the police. The Act requires to the Department to publish Codes of Practice in relation to certain police procedures (e.g. stop and search). PPPA1998 is the Island's equivalent to the Police and Criminal

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p><u>Evidence Act 1984 (PACE) (an Act of Parliament)</u>, which is the drafting basis for many of the PPPA1998 provisions.</p> <p>Within the JRA2021, existing amendments to the PPPA1998 are found at Division 5 of Part 6. This division comprises of s.68 to 77 in the JRA2021 as passed, and the following additional amendments are proposed to form part of that Division.</p> <p>A fresh s.68A and s.68B are proposed along with the substitution of the existing s.69 and the insertion of a fresh s. 74A, all within Division 5 of Part 6 of the JRA2021.</p> <p>In practice the proposed effect of the 4 key amendments is as follows.</p> <ol style="list-style-type: none"> 1) The first amendment, contained within cl. 40 JRAB and made by the insertion of s.68A within the JRA2021 would see the amendment of s.7 <i>Duty to make records concerning searches</i> where in ss. (9) the present time period of "12 months" would be substituted for "3 months". S.7 deals with records concerning searches and the timescale referenced is that, within which, the person who was searched or the owner/person in charge of a vehicle which was searched, are entitled to a copy of the records relating to that search. The Island's provision presently states 12 months, however in practice, given its basis in s.3 of PACE, which has subsequently been amended to state 3 months in the corresponding provision, the proposed amendment seems practical and would bring our police procedures in line with those of neighbouring jurisdictions. 2) The second amendment, also contained within cl. 40 of the JRAB and made by the insertion of s.68C in the JRA2021 would see the repeal of s.55 <i>Children: serious offences</i> of the PPPA1998. Alongside this change, a further small change is proposed at s.68B as s.40 (13) of the PPPA1998 presently contains a cross reference to s.55, so requires a further small amendment to harmonise with the repeal of s.55. <p>These provisions in the PPPA1998 have been identified as impractical and unworkable in their present form, as they restrict the ability of the police to effectively investigate all but the most</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>serious crimes¹² where the perpetrator appears to be aged 10 years or over, but under 14 years of age. This means that as soon as a child thought to be under 14 years of age is arrested, according to PPPA1998 as presently drafted, that child cannot then be detained for questioning prior to charge, as Part IV (as per s.55) does not apply. The inclusion of this section is also out of keeping with PACE and the mechanisms under that Act, which for the most part is paralleled by those under PPPA1998, reflecting best practice alongside England and Wales.</p> <p>Naturally, children will remain in a custodial setting for as limited a duration as possible, and whilst in custody certain key steps will be taken by the Custody Officer (police officer in charge of police custody), to ensure that the person responsible for the child is contacted (and other key requirements under either PPPA1998 or Children and Young Persons Act 2001, which include those under the Codes of Practice that supplement PPPA1998, and more broadly in relation to the compliance requirements of the UN Convention on the Rights of Child).</p> <p>3) The third amendment, contained within cl. 41 of the JRAB and made by the substitution of s.69 in the JRA2021 would replace the present s.64 of PPPA1998 with a detailed alternative provision setting out the processes and requirements in connection with the taking of fingerprints. These provisions are based in drafting on s.61 of PACE, as the original provision in PPPA1998 was, and serve to better align with PACE as presently in force. Again, this is a practical operational change to best align with standardised “good practice” for police forces in England and Wales.</p> <p>4) The fourth amendment contained within cl. 43 of the JRAB and made by the insertion of a new s.74A of the JRA2021 is a small amendment to s.81 of the PPPA1998. This amendment proposes to omit the definition of “registered nurse”, and thereby remove the outdated cross reference to a now repealed provision in the National Health Act 2001, and also, separately, omit the definition of “registered medical practitioner” that contains an outdated reference to the now repealed Medical Act 1985.</p>

¹² S.55 PPPA1998 states these to be circumstances where a child over 10 years old but under 14 years old, is arrested without a warrant for an offence that leads/could lead to a person’s death or physical injury, arson, or a sexual offence.

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>The Interpretation Act 2015 defines, “registered”, followed by a reference to a medical practitioner, chiropractor, osteopath, nurse, midwife or other health professional as meaning a person of that description, who are persons regulated by the Health Care Professionals Act 2014, and have registration requirements as per the provisions of that Act (and in particular s.3 of that Act).</p> <p>S. 3 of the Health Care Professionals Act 2014 refers to “a member of the profession of nursing or midwifery who is a registrant” amongst those defined as health care professionals. A “registrant, for this purpose, is defined as having the same meaning as in the UK Nursing and Midwifery Order 2001 made under s. 60 of the Health Act 1999 (of Parliament).</p> <p>As such, nurses on the Isle of Man must register with the Nursing and Midwifery Council: https://www.nmc.org.uk/.</p> <p>Separately, s.3 of the Health Care Professionals Act 2014, refers to a “registered medical practitioner” amongst those defined as health care professionals. In this instance “registered medical practitioner” means a person who is a fully registered person and holds a licence to practise.</p> <p>A “fully registered person” has the same meaning as the Medical Act 1983 (of Parliament) and “license to practice” has the meaning given to that expression by section 29A(1) of Medical Act 1983 (of Parliament).</p> <p>In essence, the register set out under that Act is that of all Doctors (GPs and Specialists), with a separate registration of emergency powers doctors and visiting overseas doctors and the relevant register (for that area) effectively comprises of 4 “types” of registration i.e. Provisional Registration, Full Registration, GP Register (including locums), Specialist Register (consultant posts in a medical or surgical specialty in any of the UK health services (other than as locum consultants)).</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>Doctors must hold a licence to practice and registration with General Medical Council Register: https://www.gmc-uk.org/registration-and-licensing/the-medical-register</p> <p>A final amendment in relation to the PPPA1998, where cl. 42 amends s.70 of the JRA2021, serves only to make a correction to the mechanism by which the change already progressed within s.70 of the JRA2021 takes effect on s.66 of the PPPA1998. The wording within s.70 as passed reads: <i>for the words following "if" substitute</i> and should rather read: <i>for "if he has been convicted of a recordable offence" substitute "if"</i> as otherwise the insertion of ss. (a) and ss.(b) as passed do not read correctly within that provision. This is not a material change to s.70 as passed, and therefore no consultation question in relation to this one point is being included within this consultation.</p> <p>While the above amendments are proposed to clarify or harmonise processes within PPPA1998, either generally, or to create alignment with PACE (on which the majority of the Island's PPPA1998 is already based), a wider review of PPPA1998 is planned as part of the Department's ongoing work streams in relation to the modernisation and improvement of the Island's Criminal Justice System and the legislation that system rests upon.</p>
Protection from Harassment Act 2000	JRAB - cl.62	<p>The Protection from Harassment Act 2000 was amended by Part 8 of the JRA2021 and those amendments have already taken effect as set out above in relation to that Act.</p> <p>Additional fresh amendments to the Protection from Harassment Act 2000 are now being proposed by cl. 64 of the JRAB as follows to strengthen protections for victims of harassment where the perpetrator may be carrying out harassment from outside of the Isle of Man or the United Kingdom, particularly using the internet:</p> <p>1) A new section 4B <i>Offences under sections 4 and 4A committed outside of the Island</i> is proposed to be inserted.</p> <p>Within the Protection from Harassment Act 1997 (an Act of Parliament), section 4B was inserted by the Domestic Abuse Act 2021 (an Act of Parliament).</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>This fresh section provided that in relation to offences under sections 4 and 4A (of that Act) which were committed in a country outside the United Kingdom, but that course of conduct would constitute an offence under section 4 or 4A if it occurred in England and Wales, and the person (committing the offence) is a United Kingdom national or is habitually resident in England and Wales, the person is guilty in England and Wales of that offence. No such provision presently exists in the Isle of Man's Protection from Harassment Act 2000, therefore we potentially face a problem that does not exist in England and Wales.</p> <p>Practically, in the modern world of social media, such a problem potentially dilutes the intended protections of the Protection from Harassment Act, and therefore addition of a provision similar to that found in the UK Act, is being proposed. This negates any issue with requiring other jurisdictions to investigate matters where the victim is in our jurisdiction and this proposed provision would allow our police to investigate such matters here. Additionally, in such an instance if a conviction was made (for this fresh offence) then a Restraining Order could be sought.</p> <p>2) A supplementary change is also proposed within cl. 64 that targets s. 5A(1) of the Protection from Harassment Act 2000, the word "further" where it appears in ss. (1) is proposed to be omitted.</p> <p>The reference to "further conduct" when the defendant has been acquitted of an offence. Appears to have diverged unintentionally from section 5A of the Protection from Harassment Act 1997 (an Act of Parliament) and in particular the wording found within section 5A of that Act, on which the Isle of Man drafting is based.</p> <p>Therefore, to ensure clarity (and to realign with that Act) the wording is proposed to be amended so as to finally read: "A court before which a person ("the defendant") is acquitted of an offence may, if it considers it necessary to do so to protect a person from conduct which...".</p> <p>Essentially the "further" is of little benefit to this section (and might potentially inadvertently cause an issue with interpretation).</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
Human Rights Act 2001	JRAB - cl. 63	<p>The Human Rights Act 2001 (HRA2001) was amended by Part 9 of the JRA2021, those amendments have already taken effect as set out above in relation to that Act. These amendments primarily referred to the making of Remedial Orders.</p> <p>Subsequently, a small additional fresh amendment to the HRA2001 is now being proposed by cl. 65 of the JRAB also in relation to Remedial Orders. Within s. 9A <i>Remedial orders</i>, a fresh subsection (4) (ba) is proposed to be added immediately after subsection (9A (4) (b) that will state: <i>"(ba) His Majesty's High Court of Justice in England"</i>.</p> <p>The proposed amendment would mean that judgements of the High Court in England and Wales would become judgements of a "relevant court" that are matters that might be considered applicable when making a remedial order under section 9A of the HRA2001.</p> <p>Presently subsection 9A(1B)(b) of the HRA2001 provides that the basis on which a remedial order might be made is satisfied when: The Council of Ministers (having consulted the Deemsters), and on having regard to a finding of the European Court of Human Rights made after the coming into operation of s. 9A(1B), or a decision of a relevant court made after the coming into operation s. 9A(1B) of the Act, are satisfied that a provision of a relevant enactment is incompatible with any obligation of the United Kingdom arising from the Convention and, by reason of a similarity of drafting with that of the relevant enactment, a provision of an Act of Tynwald or of a public document is also likely to be incompatible with such an obligation.</p> <p>The proposed amendment would see His Majesty's High Court of Justice in England included within the list of relevant courts, and alignment with the Human Rights Act 1998 (an Act of Parliament) improved.</p> <p>It may be the case that additional review of the provisions in relation to compatibility and remedial orders is required to wholly align with the UK Human Rights Act. Therefore, this small amendment is offered for consultation now and a wider review may follow in due course. Any comments in respect of compatibility and remedial orders can be made in connection with this proposed change.</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		A further change proposed to the HRA2001 as s.19 in relation to the substitution of the term "Her Majesty" with that of "His Majesty" is a harmonisation change only.
Fireworks Act 2004	JRAB - cl. 64	<p>Two targeted amendments are proposed to the Fireworks Act 2004 within cl. 66 of the JRAB that will address recommendations 2 and 6 of the Select Committee of Tynwald on the Fireworks Act. The recommendations are set out within the Tynwald Policy Decisions index and can be referred to here, however the text of the recommendation has been reproduced below for ease of reference (as it is brief).</p> <ol style="list-style-type: none"> 1) Recommendation 2 was that the requirement for notification of displays be amended to allow for notification by means of an appropriate medium. In order to address this recommendation, a series of targeted amendments are proposed within s.4 of the Fireworks Act 2004, which collectively would provide for notice to be made in a manner the Department determines is sufficient to bring it to the attention of persons likely to be effected by the proposed letting off of fireworks, and that the Department will publish the information required to be contained in such a notice and the manner in which giving such a notice shall be satisfied. These amendments are designed to meet the requirements of the recommendation. 2) Recommendation 6 was that the offence at section 5 of the Fireworks Act 2004 should be extended to cover the letting off of fireworks in any location. It is proposed that s. 5(1) of the Act be amended to remove the words "in a public place" from the offence stated within that section, meaning ss. (1) would read <i>"No person shall let off a firework within the hearing or sight of a person or domestic animal likely to be caused harassment, annoyance, alarm or distress thereby."</i> This discrete amendment is designed to meet the requirement of the recommendation, without wider alteration to the provisions of the Fireworks Act. <p>Additional work in respect of fireworks is also ongoing, as reflected in the Tynwald Decisions Index, while in some cases certain other recommendations of the Select Committee have already been implemented (e.g. recommendation 1 in relation to issuance of guidance, and recommendation 3, in relation to the form of address information given in a notice). Other information about the ongoing</p>

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		work of the Fire and Rescue Service in relation to fireworks, bonfire and associated matters, including any guidance which has been issued, can be found here or here .
Criminal Justice, Police and Courts Act 2007	JRAB - cl. 50	<p>S. 144 of the JRA2021 deals with amendments to the Criminal Justice, Police and Courts Act 2007 (CJ, P&CA2007). Various amendments to this section, and by extension this Act, are proposed within c.50 of the JRAB.</p> <p>These amendments support the aims in the Criminal Justice Strategy to ensure victims and witnesses are placed at the heart of the Criminal Justice System. In particular these amendments make provision to protect vulnerable victims and witnesses during proceedings.</p> <p>There are also separate provisions relating to sentencing where a new aggravating factor is introduced, based on assaults where the victim's protected characteristics are presumed to be a factor in the motivation for the crime.</p> <p>In addition, a further aggravating factor is introduced where the victim is a member of a front line service carrying out their duties.</p> <p>The proposed amendments are as follows:</p> <ol style="list-style-type: none"> 1) At s.114 of the JRA2021, within the section header - the words "<i>section 30A to 30D inserted</i>" are substituted for the word "amended" - as now the changes proposed within the following fresh subsection are amendments broader than solely the insertion of sections 30A to 30D as originally passed in the JRA2021, in connection with the CJ,P&CA2007. Other small harmonisation changes are made to insert subsection numbering, to ensure that the subsequent fresh amendments proposed within the new s.36A to 36F, s. 40A and s.41A to 41D and s.49A can be appropriately incorporated within the CJP&CA2007. 2) A small change is made at s.35, where the words "this Part" are proposed to be replaced with the words "this Act", so as to enable rules of court to be made in relation to any part of the Act".

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		<p>3) Fresh sections 36A to 36F are proposed to be inserted within Part 9 <i>Evidence</i> dealing with the following matters.</p> <p>The fresh s. 36A supplements s. 36 of the CJ, P&CA2007 by setting out a clear process in relation to cross examination or re-examination of video recorded evidence and the procedure in connection with this, including criteria as to when such cross-examination or re-examination will be permitted by a court under a direction.</p> <p>The fresh section 36B stands alone to provide protections in connection with proceedings related to a sexual offence (an offence for the purposes of the Sexual Offences and Obscene Publications Act 2021) prohibiting any person charged with such an offence (defendant) from cross examining the witness who is the complainant (the term for the person who is the alleged victim of the sexual offence) during those proceedings.</p> <p>The fresh section 36C stands alone to provide protections in connection with "protected witnesses", who are defined as being either the child complainant (the term for the alleged victim of the crime) or child witnesses to the commissioning of an offence. This section precludes cross examination of such a protected witness by the person charged with such an offence (defendant), in any proceedings, including those that follow such a "protected witness" having already given evidence by video (so any proceedings to which section 36A applies are included).</p> <p>The fresh section 36D applies where neither section 36B or 36C already applies, and provides that a prosecutor might make an application, or that the court of its own motion might raise, as to whether a direction should be made by the court to prevent the defendant cross examining a witness (in this instance this could be either a witness generally or the complainant i.e. the person who is the alleged victim of the offence).</p> <p>Such a direction will be made by the court if it is of the view that the quality of evidence being given (by the witness) is likely to be diminished if the cross-examination (or further cross-examination) is conducted by the defendant in person, and would be likely to be improved if a direction were given and where the court is of the view that it would not be contrary to the</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>interests of justice to give such a direction. The court will also consider other matters such as the views of the witness about whether they are content to be cross examined by the accused, the character and behaviour of the defendant, and prior relationship with the defendant.</p> <p>In this section, a witness does not include a person charged with an offence in these proceedings (so does not include the likes of a co-accused person).</p> <p>The fresh section 36E sets out further consideration to be made when a direction under sections 36B, 36C or 36D has been made, as to how alternative questioning of the complainant or witness is to take place, and if there is a satisfactory alternative process that can be followed. If there is not, section 36E provides that an alternative is for the defendant to seek an advocate to act for them and notify the court as to which advocate they have appointed. If the defendant will not appoint an advocate, the court will consider whether it is in the interests of justice to appoint an advocate to represent the interests of the defendant, to conduct any cross examination.</p> <p>The fresh 36F provides that the Treasury, following consultations with the Deemsters, may make regulations to provide for the payment of fees or costs incurred by an advocate who has been appointed under section 36E, in other words an advocate appointed by the court, for the cross examination of a complainant or witness, by virtue of sections 36B to 36D applying (and preventing a defendant cross examining a complainant or a witness).</p> <p>It is noted for clarity that these provisions are very similar to those set out within Part 4 of the Domestic Abuse Act 2020, and these improvements to the protection of complainants (and witnesses) will harmonise with the changes found in that Act which also awaits commencement. More detail in relation to those provisions and their planned commencement can be found here and here (in particular by referring to the Domestic Abuse Multi-Agency Action Plan).</p> <p>4) A fresh s. 40A <i>Sentencing Council</i> is proposed to be inserted, within Part 10 <i>Sentencing Principles</i>.</p> <p>This fresh section would provide for regulations to be made by the Department of Home</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>Affairs, following consultation with the Judge of Appeal and the Deemsters, to establish a Sentencing Council and set out the structure and functions of that Council.</p> <p>Regulations may provide for the publication of reports on the activities of the Council.</p> <p>Additionally, Regulations will provide that this Sentencing Council may prepare, consult on and publish sentencing guidelines, that, where relevant to the sentencing of any offender, the courts shall have mind to unless the court is satisfied that it would be contrary to the interests of justice to do so in that particular case.</p> <p>This proposed section sets out a more bespoke Island approach to the establishment of a Sentencing Council and that Council reporting on its activities and producing Sentencing Guidelines as it deems appropriate for the Island.</p> <p>Presently, s.229 <i>Application to the Island of sentencing guidelines</i> of the Sexual Offences and Obscene Publications Act 2021 provides that Application Orders might be made, following consultation with the Deemsters and such other persons as the Department may consider appropriate, applying to the Island (as amended/modified) any sentencing guidelines issued under section 120 of the Coroners and Justice Act 2009¹⁹ (of Parliament) in relation to sexual offences. These Sentencing Guidelines are issued by the Sentencing Council for England and Wales.</p> <p>This power was exercised this year, with the issuance of the Sexual Offences (Sentencing Guideline - Indecent Photographs of Children) (Application) Order 2025 that commenced on the 21 April 2025. More detailed information about that Application Order, and the background to its progression, can be found here.</p> <p>5) The proposed insertion sees fresh sections 41A through to 41D also being added within Part 10 <i>Sentencing Principles</i>, dealing with the following matters.</p> <p>The fresh s. 41A will stand alone for the purposes of providing that a court, will consider the seriousness of an offence as aggravated by the specific hostility shown by the offender at the time of committing the offence, or immediately before or after doing so, towards the victim of the offence based on the victim's membership (or presumed membership) of a racial group, a</p>

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		<p>religious group, or based on a disability the victim has, or based on the sex or sexual orientation (or presumed sexual orientation) of the victim, or based on the victim being transgender (or presumed to be transgender), or that the victim is vulnerable.</p> <p>The section offers further definition of the terms used, including that "presumed" means <i>presumed by the offender</i>. Additionally, when the court is considering the vulnerability of the victim, this is further noted to include in relation to the age of the victim and whether the victim is pregnant or has recently given birth.</p> <p>S. 41A further provides that the Department of Home Affairs may by Order adjust s. 41A, in accordance with the Tynwald approval procedure, and might make any amendments to the CJ,P&CA2007 as are needed as a result of such a change).</p> <p>The fresh section 41B when read alongside the fresh section 41C (and to an extent fresh section 41E) provides that a court, in considering an offence before it, that is of the nature specified in subsection 41B (3), where a list of serious offences is set out ranging from rape and sexual assault to manslaughter, will consider that, when such an offence is committed against an emergency worker or a frontline worker - the offence is aggravated. The fresh section 31C sets out those to whom the definition of "emergency worker" or "frontline worker" applies by setting out a list of personnel including police officers, prison officers, those fulfilling the functions or duties of a police or prison officer, medical professionals, and those employed in the probation service or social care workers or care service workers. Section 41C further provides that the list of personnel can be amended by the Department of Home Affairs by Order, following the Tynwald approval process - and that the list of offences captured at section 41B may also be amended in such an Order, or the offences or any matter referred to in section 41D.</p> <p>The fresh section 41D aligns with the sections inserted at section 41B and 41C, providing that, in circumstances where assault or battery are perpetrated against a person providing a public service, performing a public duty or providing services to the public - will be treated as an aggravated assault.</p>

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		<p>While it is unfortunate that such provisions are deemed to be required, it is the case that the lack of such aggravations (when compared to neighbouring jurisdictions) seems to be a deficiency in existing Manx law that requires addressing at this time.</p> <p>6) The proposed insertion sees a fresh section 49A added within Part 13 Miscellaneous dealing with the following matters.</p> <p>The fresh s.49A of the CJ, P&CA2007 sets out requirements in relation to the testing for either drugs or alcohol of a person in respect of whom a community order has been made, in order to determine if that person has such a substance in their body. A community order in this instance relates to an order of a type described in section 47 of the CJ, P&CA2007, and includes a range of orders including probation orders, court bail orders and anti-social behaviour orders.</p> <p>The process by which the sample is to be taken, and the requirement for that sample, must be set out in a Code of Practice that is to be approved by Order, in accordance with the Tynwald approval procedure. Additionally, substances which are psychoactive substances may be prescribed for the purposes of this section, by Order, following the Tynwald approval process.</p> <p>More incidental detail with regard to the operation of Part 13 in respect of Electronic Monitoring can be found here, as this background was provided as part of the progression of a recent Order made under s.48 of that Act.</p>
Criminal Procedure and Investigations Act 2016	JRAB - cl. 65	<p>Fresh amendments are proposed to the Criminal Procedure and Investigations Act 2016 by cl. 65 of the JRAB to address several cross referencing or harmonisation changes in relation to either cross references to the new sending processes under s.18C and s.18D of the SJA1989, or to appropriately refer to all sections under which Rules of Court are made, and finally to harmonise with a reference to both Courts of Summary Jurisdiction and Court of General Gaol Delivery).</p> <p>Given these are cross referencing or harmonisation changes, therefore no formal consultation question is being included within this consultation in respect of this Act.</p>

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		Changes to this Act are proposed by the Contempt of Court Bill 2025, in the way of repeals, and therefore any comments in respect of this Act could be either captured in the general comments final question in relation to the JRAB, or in respect of the Contempt of Court Bill 2025.
Criminal Evidence Act 2019	JRAB - cl. 66	<p>Fresh sections 6A and 6B are proposed to be inserted within the Criminal Evidence Act 2019.</p> <p>These provisions reproduce wording formerly found within s. 53 and s. 54 of the Criminal Justice Act 2001. These provisions were effectively disapplied from the 01 May 2019, by virtue of Article 4 of the Criminal Evidence Act 2019 (Appointed Day) Order 2019 [SD 2019/0144]. Given the disapplication and the defunct nature of these provisions, they were repealed within section 107 of the JRA2021 that took effect on 07 September 2022 in accordance with the Justice Reform Act 2021 (Appointed Day) (No. 1) Order 2022 [SD 2022/0265].</p> <p>However, it has now been established that these provisions should not have been disapplied in 2019. They therefore now need to be re-instated. This is proposed to be done by inserting them into the Criminal Evidence Act 2019, where they better align with the content of that Act.</p> <p>Therefore, no formal consultation question is being included within this consultation in respect of this Act.</p>
Domestic Abuse Act 2020	JRAB - cl. 67	<p>Fresh amendments are proposed to the Domestic Abuse Act 2020 as follows.</p> <ol style="list-style-type: none"> 1) In relation to s.3 <i>Interpretation</i>. It is proposed that a fresh definition of "Rules of Court" be added for the purposes of the Act to be clear that these refer to Rules of Court made otherwise under s. 91 SJA1989, s. 57 Criminal Jurisdiction Act 1993 and s. 25 of the High Court Act 1991. Additionally, a specific additional power is proposed to be added within s.3 that provides that the Department may by Regulations amend this section (in accordance with the Tynwald approval process). 2) In relation to s.17, a clarification is proposed that where the Staff of Government Division allows a person's appeal against conviction, it may make a domestic abuse protection order against the person, and any order so made shall be treated as having been made by or before the court in

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>which the person was convicted. This is a technical amendment as to the court procedure for the treatment of a Domestic Abuse Protection Order (DAPO) when made on appeal.</p> <p>3) In relation to s.27, two small, targeted amendments are proposed. The first that in the definition of "relevant court" be adjusted to include a fresh clause ss. (aa) the Staff of Government Division. And the second that the definition of "relevant judge" should include a fresh clause ss. (aa) "where the order was made by the Staff of Government Division, a judge of that court". These are clarifications that the Staff of Government Division and a judge of the Staff of Government Division (at Appeal Division of the criminal courts) are also to be included within the list of those who are a "relevant court" i.e. that with potential to make a DAPO, and a "relevant judge", in relation to issuance of a warrant for the purposes of s.27.</p> <p>4) In relation to s.28, a clarification amendment is proposed to insert the requirement that the person's date of birth be a requirement for the information required to be notified to the police, by a person who becomes subject to a DAPO. A circular cross-referencing error at ss. (8) is also proposed to be corrected.</p> <p>5) After s.34, a fresh s. 34A is proposed to be inserted. This amendment proposes to clarify those proceedings under the Domestic Abuse Act 2020 which are civil matters, and the general fact that when considering these matters, a court is not restricted to considering evidence that would apply in criminal proceedings.</p> <p>Additionally, it is clarified that a DAPO might be made or varied in such proceedings, in addition to an order discharging a person conditionally or absolutely.</p> <p>This proposed section broadly aligns with s. 48 of the Domestic Abuse Act 2021 (an Act of Parliament)</p>

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		<p>6) The SJA1989 and the Matrimonial Proceedings Act 2003 are both set to be amended by Part 4 of the Domestic Abuse Act 2020 which sets out detailed amendments. The following are amendments to that Part.</p> <p>The alignment of definitions of “domestic proceedings” and “family proceedings” within these Acts proved incompatible within the Domestic Abuse Act 2020 as progressed, in relation to those proceedings where the protections around cross-examination in person have effect. In essence, where these protections are necessary as part of any kind of domestic or family proceedings when otherwise the suspect/perpetrator of ongoing domestic abuse chooses to represent themselves and cross examine their victim/alleged victim.</p> <p>Therefore, targeted amendments are proposed to ensure that these terms are appropriately aligned, and in addition, Regulation making powers are proposed, in relation to the Matrimonial Proceedings Act 2003, to ensure that s. 114B of that Act remains in alignment once commenced. A further small amendment to that section is proposed to ensure that the definition of unconditional and conditional caution harmonises with those found in Part 6 of the JRA2021 (once commenced).</p> <p>Further small amendments to this Part relate to the making of Regulations by the Department in respect of “protective injunctions”, as already referred to in s.53C as it will be inserted within the SJA1989, and s. 114C as it will be inserted within the Matrimonial Proceedings Act 2003. In both instances a reference to “rules of court” is amended to that of “Regulations” made by the Department with the approval of Tynwald.</p> <p>These changes supplement provisions elsewhere in Part 4 as passed that already provide for the Department to make regulations in relation to “specified offences” for the purposes of s. 53B(5) as it will be inserted in the SJA1989, and s. 114B(5) as it will be inserted in the Matrimonial Proceedings Act 2003, respectively.</p> <p>These amendments broadly mirror the process in the UK within the equivalent provisions at s.31R and s. 31S of the Matrimonial and Family Proceedings Act 1984 (an Act of Parliament) and within</p>

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		<p>s. 85F and s. 85G of the Courts Act 2003 (an Act of Parliament) providing for both “specified offence” and “protective injunction” to be specified in regulations made by the Lord Chancellor. The Prohibition of Cross-Examination in Person (Civil and Family Proceedings) Regulations 2022 provide for this in the UK.</p>
Liquor Licensing and Public Entertainments Act 2021	JRAB - cl. 68	<p>Fresh amendments are proposed to the Liquor Licensing and Public Entertainments Act 2021 (LLPEA2021) as follows.</p> <ol style="list-style-type: none"> 1) In s.10 <i>Rules of court</i>, a small amendment is made to clarify that the Tynwald procedure in relation to rules of court is laying only – to align with all other such rules of court. Additionally, an amendment is proposed to insert a new subsection that provides that, despite the requirements at s. 7(2) (a) and s. 8(2) of the LLPEA2021, in relation to the composition of the Licensing Court and Licensing Court of Appeal, the Licensing Court or Court of Appeal may comprise of the High Bailiff sitting alone to deal with a hearing or matter specified in Rules of Court. This manner of flexibility existed under the now otherwise repealed Licensing Act 1995, within s. 5(4)(c) of that Act in respect to the making of similar rules, and it has been identified, following the bedding in of the new Licensing Framework (predominantly comprising of the LLPEA2021, and the Liquor Licensing and Public Entertainments Regulations 2022 (the 2022 Regulations), that such amendment is practical to provide additional flexibility. 2) In s.15 <i>Regulations: determination of application for licence</i> two additional subsections are proposed to be incorporated. Ss. (1A) which will provide an additional power which means that if conditions are made in Regulations are stipulated to be so, these will apply to licences which have already been granted, in addition to those granted after that that date (so there will be no discrepancy, for example, with mandatory conditions, found with Sch. 3 of the 2022 Regulations, and their applicability, if these change). <p>Ss. (1B) will provide that these Regulations may permit a licence condition to require application to the Licensing Court for additional approval or authorisation as specified in the condition and permit the Licensing Court to issue directions in relation to a condition.</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>Collectively these changes are proposed to ensure that no matters which arise are beyond the scope of licence conditions, and to avoid any lack of clarity about the applicability of mandatory conditions (should these be amended). The Regulation making powers contained elsewhere in the LLPEA2021 are for the most part subject to the approval of Tynwald, following consultation with a range of stakeholders, as set out at s. 59 Consultation of the LLPEA2021.</p> <p>3) At s. 16 a range of amendments are proposed to bolster this section with further regulation making powers in respect of the process around review of a licence (by the Licensing Court) and the processes around such a review (including the application for such a review and fees associated with that application), and the outcomes of that Review which might (once amended) include written warnings, variation of licences, suspension or revocation of a licence. The proposed need for such changes is to appropriately address the minority of licensees, i.e. those not operating appropriately in line with licensing objectives (set out in s.57 of the LLPEA2021) or expected standards (including those set out in the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing) and to be able to do so in a more nuanced manner (e.g. warning or suspension rather than revocation of a licence etc.)</p> <p>4) In s. 20 a small change is proposed by the insertion of a new ss. (2A) that would include a further matter as one which Regulations may be made in connection with, which is information that the licensee or other such person specified in those Regulations who is connected to the licence, must notify to the Department, the licensing authority or the Licensing Court.</p> <p>5) In s. 24 a change is proposed that will see the insertion of a new ss. (3A) which clarifies that (alongside the other proposed changes to review of premises licences etc.) where the Chief Constable applies, or the Licensing Court on its own motion directs, it may require the Chief Constable to report on a premises where the licensee is a company. Subject to the receipt of that report, the Court may then direct that the licensee must nominate one or more alternative Responsible Persons (be registered) in place of the Responsible Person(s) currently in place.</p>

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		<p>In other words, the Court may look into the running of a premises (for example where there are issues raised about the premises by the Chief Constable, or from another source), and if it was to determine there was an issue with the Responsible Person, it might require an alternative appointment to be made.</p> <p>6) At s. 30 and s. 41, amendments are proposed to insert the offences of drunk on licensed premises and drunk in public, both of which formerly appeared in the now otherwise repealed Licensing Act 1995, as s. 33(1) and s. 75(1) respectively, but were saved from repeal by the selective commencement made at Article 3 of the Liquor Licensing and Public Entertainments Act 2021 (Appointed Day) (No.2) Order 2022 following determination that such provisions, while not used extensively, were still of some benefit. More information about that selective commencement can be found here.</p> <p>7) In s. 39 <i>Appeals</i>, a small harmonisation change is proposed to clarify that Regulations may amend that section of the LLPEA2021, not only to set out the persons who may appeal (as is already provided in ss. (14)(b)) but also the decisions which may be appealed against, again this is a harmonisation change to otherwise align this section with what has become apparent might at some time be required for the Licensing Framework, and if at such time that was to occur, consultation in accordance with s.59, followed by the approval of Tynwald, would be required.</p>
Sexual Offences and Obscene Publications Act 2021	JRAB - cl. 69	<p>A series of discrete amendments are proposed to the Sexual Offences and Obscene Publications Act 2021 (SOOP) as follows.</p> <p>1) At s. 104 <i>Test of obscenity</i>, a targeted change is proposed to the wording otherwise found within that test, to make clear that obscene material does not have to be seen, but if it is "such as to tend to deprave and corrupt persons if they read, saw or heard the matter contained or embodied in it". The present wording of s. 102 <i>Possession of extreme pornographic images</i>, and the offence set out in that section, is presently hampered by the wording within s. 104 when cross referenced from s. 102(2) (a), as presently s. 104(1) refers to instances in which [an article is obscene if it</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>would] tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it”.</p> <p>2) Within s. 144, that relates to the power to displace s. 140 (which relates to the otherwise blanket anonymity provided by that section, for suspects and defendants alleged to have committed certain offences under Part 8, which are themselves set out at s.142), a change is proposed to harmonise with a legal position determined in a neighbouring jurisdiction.</p> <p>Specifically, a small change is proposed to ensure that the Island’s SOOP anonymity provisions are improved and would therefore be beyond legal challenge of a kind see in relation to Northern Ireland’s Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022. The Northern Ireland Act was judged by the High Court in Belfast (on 31 May 2024) to be incompatible with article 10 (Freedom of expression) of the European Convention on Human Rights (namely the article 10 rights of the media organisations who brought the challenge), and no appeal of that judgement was proposed by the Northern Ireland Justice Minister.</p> <p>While the Isle of Man Act is constructed differently to the Northern Ireland Act, a small amendment is proposed to put its own ECHR compliance beyond doubt. This change is proposed by way of the insertion of a fresh ss. (9) within s. 144 that will provide that the Department may set out in Regulations other persons who may make an application for a direction under subsection (1) or (2) to be made, and that these Regulations will be subject to the Tynwald approval process. In other words, Regulations may specify those persons who can make an application for anonymity to be lifted. Additionally, a fresh ss. (10) makes clear that other supplementary provisions can be set out in these same Regulations, to ensure that the Chief Constable, the prosecution and the defence are permitted to make representations to the judge (determining if anonymity is to be lifted) before that judge decides whether to give such a direction. The proposal would then enable regulations to be made, following consultation, to ensure that the right balance is struck between the rights of privacy of the accused on the one hand, and media freedom to report, on the other.</p>

Act being amended	JRAB Clause ref.	Brief description of the change(s) proposed and reason for change
		<p>3) At s. 205 – a reference to “Her Majesty” is adjusted to “His Majesty”.</p> <p>4) At s. 233 a fresh ss. (1A) is proposed to make clear that sexual offences prevention orders and risk of sexual harm orders made under the Sexual Offenders Act 2006 and remaining in operation under the Sexual Offences and Obscene Publications Act 2021 by virtue of section 233(1), are to be treated as if they are the corresponding orders under the 2021 Act. This provision is for the avoidance of doubt only, in view of the question being raised in a case before a court of summary jurisdiction.</p> <p>Generally, those who were subject to sexual offences prevention orders were also addressed by s. 152 of SOOP, that transitioned sexual offences prevention orders, risk of sexual harm orders and interim orders to be treated as subject to the notification requirements of Part 10 of SOOP, until such an order was discharged or otherwise ceased to have effect. Additionally, certain provisions in relation to sexual offences prevention orders were addressed within Article 3 of the Sexual Offences and Obscene Publications Act 2021 (Appointed Day) (No. 2) Order 2024 which commenced the bulk of SOOP from 25 March 2024.</p>

8. Contempt of Court Bill 2025

Alongside preparation of this JRAB, it has become ever clearer that any deficiencies within existing provisions in relation to contempt of court must also be addressed and in a manner which harmonises with other provisions within the JRAB, or within Acts of Tynwald that are otherwise to be amended by the JRAB in connection with the administration of justice.

A draft Contempt of Court Bill was prepared during the last parliamentary administration and was subject to stakeholder consultation with key stakeholders and [offered for public comment](#) by the Attorney General’s Chambers.

Subsequently, a refined version of that Bill was subject to a targeted consultation with all Government Departments in August 2024, and additional redrafting took place following that consultation period. The most recent draft version of the Contempt of Court Bill, offered for consultation now as the Contempt of Court Bill 2025, pays mind to the [recent work of the Law Commission in relation to Contempt of Court](#), as the concept of contempt is one which is shared across the majority of jurisdictions.

The notions in relation to preclusion of the reporting of proceedings where this is not appropriate, and in ensuring that suitable standards are maintained by parties within the criminal justice system are universal. Additionally other matters that are clearly defined within the Bill as certain types of contempt, such as the publication of matters which are precluded e.g. during active proceedings (that in many cases harmonise with, or bolster, those set out in the JRAB, for example in relation to live links) or when otherwise precluded in private proceedings (and are aligned with existing Manx laws), or the deliberate breach of court directions or orders.

9. Summary of Responses

Following consultation on the above Bills, the Department will, as set out in section 4 to this document, produce a Summary of Responses, and look to finalise copies of the *draft* Bills ready for entry to the legislative branches.

10. Confidentiality

You are not required to provide any of your personal information to complete this consultation. Should you wish to provide your personal information, please note that if you select “Publish in full”, your name, organisation and answers to the questions will be published on the Consultation Hub. Your email will not be published.

If you select “Publish anonymously” or “Do not publish”, none of your personal information will be published on the Consultation Hub. What this means:

- Publish in full – your first name and surname, organisation name, along with full answers **will** be published on the Consultation Hub (your email will **not** be published)
- Publish anonymously – only your responses **will** be published on the Consultation Hub (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publicly on the Consultation Hub (your response will only be part of a larger summary response document)

The collection and processing of your personal information in relation to this consultation are done so on the basis of your consent (Article 6(1) (a) of the Applied GDPR). Should you wish to withdraw your consent at any time, please contact the Department, after which your personal information will be deleted from the dataset within one calendar month.

Please note that the responses we receive will be carefully considered. Further refinement of the layout and content of the Bills may be undertaken in light of the responses to the consultation.

Further information about the Isle of Man Government Consultation principles and guidance on these can be found here:
<https://www.gov.im/consultation>

11. Reasonable adjustments and alternative formats

The Department is committed to equal opportunities, and our aim is to make our documents easy to use and accessible to all.

We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.

If you would like to receive this document in another format or need assistance with accessing or replying to this consultation, please email GeneralEnquiries.DHA@gov.im or telephone (01624) 694300.

12. Storage of personal data

The Department will ensure that data is only retained and used in accordance with GDPR rules.

For more information regarding GDPR, visit <https://www.gov.im/about-the-government/data-protectiongdpr-on-the-isleof-man/>.

All responses submitted will be held within the Isle of Man Government's Consultation Hub and will be treated in accordance with the privacy policy.

We will review results from the consultation which will be used to inform the final version of the Bills.

If in making your response via the Hub, you have indicated that you are happy to be contacted then we may liaise further with respondents as necessary.

A consultation summary will be produced and made available on the Consultation Hub.

13. Any questions?

Any comments or questions about the consultation should be sent to GeneralEnquiries.DHA@gov.im or:

 made via the questionnaire on the Consultation Hub at www.consult.gov.im;

 submitted via email to GeneralEnquiries.DHA@gov.im; or

 posted to –

Shelley Walker
Administration and Policy Manager
DHA Headquarters Building
Tromode Road, Douglas, Isle of Man, IM2 5PA.

14. CONSULTATION SURVEY

No.	Title	Questions	Comments from respondent
1	Section 7.2 of the Consultation relates to <i>Key corrections or enhancements to the procedure of the Summary Courts</i>	Do you have any comments in relation to the proposed corrections or enhancements to the procedure of the Summary Courts? [see section 7.2 of the consultation document for details]	
2	Section 7.3 of the Consultation relates to <i>Key corrections or enhancements specific to the procedure of the Juvenile Courts/Youth Courts</i>	Do you have any comments in relation to the proposed corrections or enhancements to the procedure of the Juvenile Courts/Youth Courts? [see section 7.3 of the consultation document for details]	
3	Section 7.4 of the Consultation relates to <i>Other fresh changes or improvements to the procedure of the Summary Courts (COSJ) or Court of General Gaol Delivery (CGGD), or changes that support the operation and administration of the Criminal Justice System.</i>	Do you have any comments in relation to the proposed enhancements made in connection with Rules of Court, live links or electronic transactions? [see page 31 of the consultation document for details]	
4		Do you have any comments in relation to the proposed enhancements in connection with the sending process (s.18 to proposed new s.18I of SJA1989)? [see page 31 of this consultation document for details]	
5		Do you have any comments about the proposed additional enhancements to the SJA1989? [see page 32 and 33 of the consultation document for details]	

No.	Title	Questions	Comments from respondent
6		Do you have any comments about the proposed enhancements to the Criminal Jurisdiction Act 1993, the High Court Act 1991 or Part 5 of the JRA2021? [see page 34 of the consultation document for details]	
7		Do you have any comments about the proposed enhancements to the Criminal Law Act 1981 or the Bail Act 1952? [see page 35 of the consultation document for details]	
8		Do you have any comments about the proposed general harmonisation or technical changes within the JRAB? [see page 35 of the consultation document for details]	
9	Section 7.5 of the Consultation relates to <i>Fresh changes in other key policy areas</i>	Do you have any comments about the proposed changes to the s.19 of the Criminal Code 1892? [see page 37 of the consultation document for details]	
10		Do you have any comments about the proposed changes to the Firearms Act 1947? [see page 38 of the consultation document for details]	
11		Do you have any comments about the proposed changes to the Criminal Justice Act 1963? [see page 38 of the consultation document for details]	
12		Do you have any comments about the proposed changes to the Jury Act 1980? [see page 39 of the consultation document for details]	

No.	Title	Questions	Comments from respondent
13		Do you have any comments about the proposed changes to the Legal Practitioners Act 1986? [see page 41 of the consultation document for details]	
14		Do you have any comments about the proposed changes to the Criminal Justice Act 1991? [see page 43 of the consultation document for details]	
15		Do you have any comments about the proposed changes to the Shotguns, Air Weapons and Cross-bows Act 1994? [see page 44 of the consultation document for details]	
16		Do you have any comments about the proposed changes to the Custody Act 1995? [see page 44 of the consultation document for details]	
17		Do you have any comments about the proposed changes to the Police Powers and Procedures Act 1998? [see page 46 of the consultation document for details]	
18		Do you have any comments about the proposed changes to the Protection from Harassment Act 2000? [see page 49 of the consultation document for details]	
19		Do you have any comments about the proposed change to the Human Rights Act 2001 or in respect of compatibility and remedial orders? [see page 51 of the consultation document for details]	

No.	Title	Questions	Comments from respondent
20		Do you have any comments about the proposed changes to the Fireworks Act 2004? [see page 52 of the consultation document for details]	
21		Do you have any comments about the proposed changes to the Criminal Justice, Police and Courts Act 2007? [see page 53 of the consultation document for details]	
22		Do you have any comments about the proposed changes to the Domestic Abuse Act 2020? [see page 60 of the consultation document for details]	
23		Do you have any comments about the proposed changes to the Liquor Licensing and Public Entertainments Act 2021? [see page 62 of the consultation document for details]	
24		Do you have any comments about the proposed changes to the Sexual Offences and Obscene Publications Act 2021? [see page 65 of the consultation document for details]	
25	General feedback - JRAB	Do you have any other comments in connection with the Justice Reform (Amendment) Bill?	

No.	Title	Questions	Comments from respondent
1	Section 8	Do you have any comments about the proposed Contempt of Court Bill 2025? [see section 8 of the consultation document for details]	
2	General feedback – Contempt of Court Bill 2025	Do you have any other comments in connection with the Contempt of Court Bill 2025?	

Appendix 1

GLOSSARY OF TERMS

Term/ Abbreviation	Definition
Aggravated Offence	<p>The term 'aggravated offence' is used when the penalty for a "basic" offence is made more serious due to the specific circumstances or factors that surround the commission of the offence, for example if the offence is motivated by hostility towards a certain racial or religious group.</p> <p>Examples that already exist within Manx legislation include those found at s.39 and s.40 of the Domestic Abuse Act 2020, where the domestic abuse offence might be "aggravated" by a range of factors relating to the victim of that abuse, such as the involvement of a child.</p>
An Act of Parliament	<p>Primary legislation passed by the UK Parliament. Copies of UK legislation can be obtained here.</p> <p>Such legislation occasionally applies to the crown dependencies (including the Isle of Man), however, generally, as the Isle of Man is a self-governing crown dependency it progresses its own primary law (Acts of Tynwald), through the legislative branches of its own parliament (Tynwald): these branches are the House of Keys and the Legislative Council. More information can be found here.</p>
Appeal Division/Staff of Government Division	<p>The Staff of Government Division (Appeal Division) is the Court of Appeal in the Isle of Man. It forms part of the High Court of Justice and hears appeals from both civil and criminal cases. More information can be found here.</p>
Appointed Day Order	<p>A statutory instrument used to bring specific provisions of an Act into force on a designated date. More information can be found here in the <i>Commencement</i> section.</p>
Application Order	<p>Legislation applied to the Island from England and Wales, either directly or indirectly. More information can be found here within the <i>Consideration of Secondary and Applied Legislation</i> section.</p> <p>In relation to the Sexual Offences and Obscene Publications Act 2021, the power to apply Sentencing Guidance from England and Wales (following appropriate consultation) is set out in s.229 of that Act has been exercised and more information can also be found here.</p>
Bad Character Evidence	<p>Information about a defendant's previous misconduct or convictions that may be relevant to the current case. Specific legislation (which may be supplemented by Rules of Court) governs when and how this can be introduced in court.</p> <p>Of particular note in the Isle of Man are s.4 through to s.7 of the Criminal Evidence Act 2019, and a 2024 Order made under that Act.</p>

CJA 1993	Criminal Jurisdiction Act 1993 – Governs criminal jurisdiction and procedures in the Isle of Man relating to the Courts of General Gaol Delivery . For the purposes of this consultation Court/Courts of General Gaol Delivery are used interchangeably to match referencing in Part 4 of the JRA2021, or elsewhere .
CJA 2001	Criminal Justice Act 2001 – The Island has a number of Criminal Justice Acts, and these are primary legislation covering various aspects of criminal justice administration and process, including sentencing and procedure.
cl.	Clause – A specific provision within a Bill, often corresponding to a future section in the final Act, albeit provisions in a Bill are subject to change during the legislative process. More information about that process can be found here .
Committal	<p>In general, committal is the formal legal process by which a person is sent to trial or imprisoned under specific circumstances. Specifically in relation to the Isle of Man, committal in current legislation might refer to committal to an alternative court, or committal for sentencing (following a guilty plea / trial).</p> <p>Where reference is made to the abolition of committal proceedings (in the JRA2021/JRAB) this is in relation to the process by which an individual is sent to the Court of General Gaol Delivery for trial – which is set to be altered by the JRA2021/JRAB and be referred to as “sending”.</p>
Community Order	<p>A non-custodial sentence requiring an offender to comply with certain conditions, such as unpaid work, curfews, or drug testing.</p> <p>In the Isle of Man, reference in legislation to “community orders” can be made in a variety of Acts, however, at s. 47 of the Criminal Justice, Police and Courts Act 2007 a list of “community orders” (defined for the purposes of Part 13 of that Act in relation to Electronic monitoring) provides a helpful reference to a number of these orders.</p>
Court of General Gaol Delivery (CGGD)	A higher court that handles more serious criminal offences. Cases are typically heard by a Deemster and may involve a jury. More information can be found here .
Court of Summary Jurisdiction (COSJ)	A lower court that deals with less serious criminal offences (summary offences) and some civil matters. Cases are usually heard by a panel of magistrates or the High Bailiff. More information can be found here and here .
Cross-Examination	The questioning of a witness by the opposing side in a trial. Reforms in JRAB aim to protect vulnerable witnesses (and complainants [alleged victims]) from being cross-examined directly by the defendant.
CYPA 1966	Children and Young Persons Act 1966 – Legislation concerning the welfare, protection, and legal treatment of children and young persons.
Deemster	A judge in the Isle of Man’s higher courts who presides over serious criminal and civil cases. The role of Deemsters is established by Part 1 of the High Court Act 1991 . More information about the current judiciary can be found here .
Deputy High Bailiff	A senior judicial officer appointed by the Lieutenant Governor, supporting the High Bailiff in handling criminal, civil, and family cases. The role of the High Bailiff and Deputy High Bailiff is established in Part 1 of the SJA1989 . More information about the current judiciary can be found here .

	<p>For ease of reference it is noted that (as set out in the Schedule to the Interpretation Act 2015 - Defined Terms), in all Manx legislation, except where express provision to the contrary is made, a reference to the High Bailiff includes any Deputy High Bailiff.</p>
Either Way Offence	<p>A criminal offence that can be tried “on information” by a Court of General Gaol Delivery, or alternatively, by a Court of Summary Jurisdiction, depending on the seriousness of the case.</p> <p>At present certain “information only” offences are set out in Sch. 2 of the SJA1989 that despite having no specific summary penalty might be tried by a Court of Summary Jurisdiction in line with that Act.</p> <p>The JRA2021 makes significant changes to this approach, and additional enhancements are proposed in the JRAB. These changes mean that in essence (and in compliance with technical requirements as set out in the various pieces of legislation such as the SJA1989) all offences become “either way” offences with the sole exception of murder and treason (the offences otherwise “fixed by law”).</p> <p>See section 6 of this consultation for information in relation to Part 3 of the JRA2021, and section 7.2 in relation to the proposed enhancements within the JRAB.</p>
Electronic Monitoring	<p>The use of electronic devices (e.g. ankle tags) to monitor a person’s location or compliance with community order conditions. See Part 13 of the Criminal Justice, Police and Courts Act 2007 for more information.</p>
Fixed by Law	<p>Refers to offences such as murder or treason for which the penalty is life imprisonment.</p>
High Bailiff	<p>A senior magistrate who presides over a Court of Summary Jurisdiction and has various judicial and administrative responsibilities. The role of the High Bailiff and Deputy High Bailiff is established in Part 1 of the SJA1989. More information about the current judiciary can be found here.</p>
HMAGC	<p>His Majesty's Attorney General's Chambers – The legal office responsible for drafting legislation and advising Government on legal matters.</p>
Information Only	<p>An “information only” offence is an offence for which there is no summary penalty, meaning this offence would need to be tried in the Court of General Gaol Delivery.</p> <p>At present certain “information only” offences are set out in Sch. 2 of the SJA1989 that despite having no specific summary penalty might be tried by a Court of Summary Jurisdiction in line with that Act.</p>

	<p>The JRA2021 makes significant changes to this approach, and additional enhancements are proposed in the JRAB. These changes mean that in essence (and in compliance with technical requirements as set out in the various pieces of legislation such as the SJA1989) all offences become “either way” offences with the sole exception of murder and treason (the offences otherwise “fixed by law”).</p> <p>See section 6 of this consultation for information in relation to Part 3 of the JRA2021, and section 7.2 in relation to the proposed enhancements within the JRAB.</p>
Magistrates	Lay persons appointed to a role within the courts processes, generally acting as part of a panel. They are also referred to as Justices of the Peace. More information can be found here and here . The Justices Act 1983 can also be referred to.
Misdemeanour and felony	Traditional terms for less and more serious offences. Modern practice classifies offences as summary, on information, or either-way.
para.	In the context of this consultation this is a reference to a Paragraph – being a subdivision within the Schedule of an Act, used to organise detailed content.
PPPA 1998	Police Powers and Procedures Act 1998 – The Isle of Man’s equivalent to the UK’s Police and Criminal Evidence Act 1984 (PACE) (an Act of Parliament) . The PPPA1998 contains provisions in relation to the powers and duties of the police, persons in police detention, evidence in criminal proceedings etc. Codes of Practice for police procedures (e.g. stop and search) are made under this Act.
Precedent law	<p>Legal principle where past court decisions guide future cases to ensure consistency and fairness (often referred to as “case law”). The Isle of Man has its own case law and reference to the Manx Law Reports can be made here.</p> <p>In instances where Isle of Man Law parallels the law in another jurisdiction (usually England and Wales), or where a “common law” (basic shared concept of law) principle is being considered, precedent from other jurisdictions might be referred to.</p> <p>Certain other external decisions are relevant and these include:</p> <ul style="list-style-type: none"> • Decisions of the Judicial Committee of the Privy Council on appeal from the Isle of Man Courts; • External decisions which have direct impact on the laws of the Isle of Man (e.g. European Court of Justice and European Court of Human Rights)
Remedial Order	A legal mechanism under the Human Rights Act 2001 that allows the government to amend legislation found incompatible with Convention rights (by way of legal challenge or judgement).

s.	Section – A numbered division within an Act.
sch.	Schedule – An appendix to an Act or Bill containing supplementary provisions that stem from a section within that Act/Bill.
Sending / sending process	<p>The formal transmission or service of legal documents—such as summonses, claim forms, or court orders—from one party to another, or between jurisdictions.</p> <p>In relation to the JRA2021/JRAB – “sending process” refers to the mechanism by which a case travels from the Courts of Summary Jurisdiction to the Court of General Gaol Delivery for trial.</p>
Sentencing Council	<p>A proposed body that may issue guidance on sentencing to improve consistency or address other related matters.</p> <p>In England and Wales, the Sentencing Council is an established body and sentencing guidelines are issued by that Council.</p>
SOOP	Sexual Offences and Obscene Publications Act 2021
SJA 1989	Summary Jurisdiction Act 1989 – Establishes the Summary Courts and sets out procedures of those Courts – including the Juvenile Courts / Youth Courts.
Spent convictions	A conviction that no longer needs to be disclosed after a rehabilitation period, except in specific cases.
Standard scale	A system used to set maximum fines for offences tried on summary conviction, replacing fixed monetary amounts in legislation. Detail of this scale is found within section 55 of the Interpretation Act 2015.
Venue Proceedings	Procedural rules and decisions regarding where a case is to be heard — whether in the Court of General Gaol Delivery, or a Court of Summary Jurisdiction.
Youth Courts / Juvenile Courts	<p>A division of the Summary Courts dealing with criminal cases where the accused is a child or young person (“juveniles”), when the SJA1989 stipulate they be dealt with by this Court.</p> <p>At present, the SJA1989 refers to the Juvenile Courts and their jurisdiction which is those under the 17 years of age.</p> <p>The Justice Reform Act 2021 will amend this by renaming these Summary Courts as the Youth Courts and extending their jurisdiction to those under 18 years of age.</p>
Justice and Home Affairs (Reform and Miscellaneous Amendments) Bill 2025	This is the proposed final title for the Justice Reform (Amendment) Bill 2025, and the title under which it will be introduced, subject the necessary consultation and approval to progress into the legislative branches.

	However, as the Bill has been engaged on with stakeholders under the working title of the Justice Reform (Amendment) Bill 2023, this continues to be the title used for the purposes of this consultation document.
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Appendix 2

LIST OF KEY STAKEHOLDERS

The following are key stakeholders to whom this consultation has been sent:

- [All Members of Tynwald;](#)
- [Their Honours, the Deemsters;](#)
- [Their Worships, the High Bailiff and Deputy High Bailiff;](#)
- [The Chair of the Magistrates Bench;](#)
- [The Chair of the Youth Panel \[of Magistrates\];](#)
- The Membership of the [Criminal Justice Board;](#)
- The Membership of the [Community Safety Partnership;](#)
- [The Chief Officers of all Government Departments;](#)
- [The Chief Registrar, General Registry \(Isle of Man Courts and Tribunals\);](#)
- [Registrar General, Isle of Man Central Registry;](#)
- [Director of Prosecutions, Attorney General's Chambers;](#)
- [The Chief Constable, Isle of Man Constabulary;](#)
- [The Isle of Man Law Society;](#)
- [The Isle of Man Legal Aid Committee;](#)
- [The Appointments Commission;](#)
- [Isle of Man Immigration Office;](#)
- [The Isle of Man Licensing Forum;](#)
- [The Domestic Abuse Multi-Agency Forum;](#)
- [The Firearms Licensing Consultative Committee \(of the Department of Home Affairs\).](#)

Appendix 3 LIST OF “AS AMENDED” ACTS PREPARED ALONGSIDE THIS CONSULTATION

Copies of Acts which are “as amended” by the Justice Reform Act 2021 (JRA2021) and Justice Reform (Amendment) Bill 2025 (JRAB) (by the action of both these pieces of legislation) have been prepared and made available on the Consultation Hub within the supporting documents to this consultation.

Whilst every care has been taken in preparing these documents as a helpful aid in interpreting the amendments made by the JRA2021, or proposed by the JRAB, they are noted to be for reference purposes only and the JRA2021 and JRAB should be referred to directly for full detail of any changes.

- ❖ The following Acts can be found within the supporting documents to the consultation, listed as separate “as amended” Act copies:
 - Justice Reform Act 2021 (this shows the amendments proposed by the Justice Reform (Amendment) Bill 2025 to the action of that Act).
 - Bail Act 1952
 - Criminal Code 1892
 - Criminal Evidence Act 2019
 - Criminal Jurisdiction Act 1993
 - Criminal Justice Police and Courts Act 2007
 - Criminal Procedure and Investigations Act 2016
 - Custody Act 1995
 - Domestic Abuse Act 2020
 - High Court Act 1991
 - Interpretation Act 2015
 - Jury Act 1980
 - Legal Practitioners Registration Act 1986
 - Liquor Licensing and Public Entertainments Act 2021
 - Police Powers and Procedures Act
 - Summary Jurisdiction Act 1989
- ❖ Separately to this, a document has been prepared which contains collated excerpts of the “as amended” provisions of Acts which are not subject to such extensive amendments as the above (i.e. where amendments are restricted to certain provisions which might be excerpted) and, as such, have been collated within one document for ease of reference.

This document, titled *Collated Miscellaneous Amendments by JRAB consultation version*, can be found separately in the supporting documents to the consultation and contains excerpts from the following Acts:

- Bankruptcy Code 1892
- Census Act 1929
- Children and Young Persons Act 1966
- Children and Young Persons Act 2001
- Coinage Offences Act 1980
- Companies Act 1931

- Consumer Protection (Trade Descriptions) Act 1970
- Consumer Protection Act 1991
- Coroners of Inquest Act 1987
- Criminal Damage Act 1981
- Criminal Justice Act 1963
- Criminal Justice Act 1991
- Criminal Law Act 1981
- Customary Laws Act 1417
- Endangered Species Act 2010
- Estate Agents Act 1975
- Fair Trading Act 1996
- Firearms Act 1947
- Fireworks Act 2004
- Forgery Act 1952
- Human Rights Act 2001
- Industrial and Building Societies Act 1892
- Loans (Infants) Act 1907
- Moneylenders Act 1991
- Non-Resident Traders Act 1983
- Partnership Act 1909
- Perjury Act 1952
- Post Office Act 1993
- Price Marking Act 1976
- Protection from Harassment Act 2000
- Rehabilitation of Offenders Act 2001
- Road Traffic Act 1985
- Sexual Offences and Obscene Publications Act 2021
- Shot Guns, Air Weapons and Cross-bows Act 1994
- Theft Act 1981
- Timeshare Act 1996
- Unsolicited Goods and Services (Isle of Man) Act 1974
- Weights and Measures Act 1989