

COLLATED MISCELLANEOUS AMENDMENTS

“As amended” copies of Acts

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 1998
- Summary Jurisdiction Act 1989

The following pages within this document contain 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.

Collated “As Amended” excerpts of Acts

The following collated excerpted amendments are searchable by either the Act title or clause reference/page number as follows:

Title of the Act	JRAB Clause Ref #	JRA2021 Section Ref#	Page Number
Customary Laws Act 1417	51(21)	Sch. 1 Para. 61	3
Bankruptcy Code 1892	51(22)	Sch. 1 Para. 66	3
Industrial and Building Societies Act 1892	51(23)	Sch. 1 Para. 67	8
Loans (Infants) Act 1907	51(24)	Sch. 1 Para. 68	11
Partnership Act 1909	51(26)	Sch. 1 Para. 70	12
Census Act 1929	51(27)	Sch. 1 Para. 74	12
Companies Act 1931	51(28)	Sch. 1 Para. 75	13
Forgery Act 1952	51(30)	Sch. 1 Para. 80	18
Perjury Act 1952	51(31)	Sch. 1 Para. 81	28
Children and Young Persons Act 1966	51(32)	Sch. 1 Para. 83	35
Consumer Protection (Trade Descriptions) Act 1970	51(33)	Sch. 1 Para. 84	42
Unsolicited Goods and Services (Isle of Man) Act 1974	51(34)	Sch. 1 Para. 85	43
Estate Agents Act 1975	51(35)	Sch. 1 Para. 86	43
Price Marking Act 1976	51(36)	Sch. 1 Para. 87	47
Coinage Offences Act 1980	51(37)	Sch. 1 Para. 88	49
Criminal Damage Act 1981	51(38)	Sch. 1 Para. 89	58
Criminal Law Act 1981	51(39)	Sch. 1 Para. 90	58
Theft Act 1981	51(40)	Sch. 1 Para. 91	61
Non-Resident Traders Act 1983	51(41)	Sch. 1 Para. 92	61
Weights and Measures Act 1989	51(42)	Sch. 1 Para. 93	64
Consumer Protection Act 1991	51(43)	Sch. 1 Para. 94	65
Moneylenders Act 1991	51(45)	Sch. 1 Para. 96	66
Post Office Act 1993	51(46)	Sch. 1 Para. 97	68
Fair Trading Act 1996	51(48)	Sch. 1 Para. 99	72
Timeshare Act 1996	51(49)	Sch. 1 Para. 100	75
Children and Young Persons Act 2001	51(50)	Sch. 1 Para. 101	79
Endangered Species Act 2010	51(51)	Sch. 1 Para. 105	80
Firearms Act 1947	54	N/A	87

Title of the Act	JRAB Clause Ref #	JRA2021 Section Ref#	Page Number
Criminal Justice Act 1963	55	N/A	86
Road Traffic Act 1985	57	N/A	88
Coroners of Inquest Act 1987	59	N/A	88
Criminal Justice Act 1991	60	N/A	90
Shot Guns, Air Weapons and Cross-bows Act 1994	61	N/A	93
Protection from Harassment Act 2000	62	N/A	94
Human Rights Act 2001	63	N/A	97
Rehabilitation of Offenders Act 2001	49 & 53	Sections 76 & 109 and Schedule 4	98
Fireworks Act 2004	64	N/A	106
Sexual Offences and Obscene Publications Act 2021	69	N/A	108

51(21) Customary Laws Act 1417

11 Coroner's Arrest

Also it is our Law, that no Coroner arrest any Man for Debt owing, unless he have a special Warrant from the Lord or his Lieutenant; but in Points of Felony, or delivering of Servants, or for Surety of the Peace, with many other Points that belong unto his Office, he ought to do these by vertue of his Office without Warrant

51(22) Bankruptcy Code 1892

11 Discharge of bankrupt

- (1) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge, and the Court shall appointed a day for hearing the application. The application shall be heard in open Court.
- (2) On the hearing of the application the Court shall take into consideration the bankrupt's conduct and affairs, and may either grant or refuse an absolute order of discharge, or suspend the operation of the order for a specified time, or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt, or with respect to his after-acquired property, or grant an order limited to the release of the bankrupt from imprisonment and liability to imprisonment for any debt provable in bankruptcy, save any debt or liability from with the bankrupt is not released by an order of discharge under the provisions in this Act contained: Provided that the Court shall refuse the discharge in all cases where the bankrupt has committed any felony or misdemeanour **offence** connected with

his bankruptcy under this Act, or any Act for the punishment of fraudulent debtors for the time being in force; and shall, on proof of any of the facts hereinafter mentioned, either —

- (i) Refuse the discharge; or
- (ii) Suspend the discharge for a period of not less than two years; or
- (iii) Suspend the discharge until a dividend of not less than 50p in the pound has been paid to the creditors; or
- (iv) Require the bankrupt, as a condition of his discharge, to consent to a judgment being entered against him by the trustee for any balance or part of any balance of the debts provable under the bankruptcy which is not satisfied at the date of the discharge, such balance or part of any balance of the debts to be paid out of the future earnings or after-acquired property of the bankrupt, in such manner and subject to such conditions as the Court may direct; but execution shall not be issued on the judgment without leave of the Court, such leave may be given on proof that the bankrupt has since his discharge acquired property or income available towards payment of his debts:

Provided, that if at any time after the expiration of two years from the date of any order made under this section, the bankrupt shall satisfy the Court that there is no reasonable probability of his being in a position to comply with the terms of such order, the Court may modify the terms of the order, or of any substituted order, in such manner and upon such conditions as it may think fit.

- (3) The facts hereinbefore referred to are —
 - (a) That the bankrupt's assets are not of a value equal to 50p in the pound on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to 50p in the pound on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible:
 - (b) That the bankrupt has omitted to keep such books of account as are usual and proper in the business carried on by him, and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy:
 - (c) That the bankrupt has continued to trade after knowing himself to be insolvent:
 - (d) That the bankrupt has contracted any debt provable in the bankruptcy, without having at the time of contracting it any reasonable or probable ground of expectation (proof whereof shall lie on him) of being able to pay it:
 - (e) That the bankrupt has failed to account satisfactorily for any loss of assets, or for any deficiency of assets to meet his liabilities:

- (f) That the bankrupt has brought on or contributed to his bankruptcy by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs:
 - (g) That the bankrupt has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him:
 - (h) That the bankrupt has, within three months preceding the date of the receiving order, or order of adjudication, incurred unjustifiable expense by bringing a frivolous or vexatious action:
 - (i) That the bankrupt has, within three months preceding the date of the receiving order, or order of adjudication, when unable to pay his debts as they become due, given an undue preference to any of his creditors:
 - (j) That the bankrupt has, within three months preceding the date of the receiving order, or order of adjudication, incurred liabilities with the view of making his assets equal to 50p in the pound on the amount of his unsecured liabilities:
 - (k) That the bankrupt has on any previous occasion been adjudged bankrupt, or made a composition or arrangement with his creditors:
 - (l) That the bankrupt has been guilty of any fraud or fraudulent breach of trust.
- (4) For the purpose of this section, a bankrupt's assets shall be deemed of a value equal to 50p in the pound on the amount of his unsecured liabilities, when the Court is satisfied that the property of the bankrupt has realized, or is likely to realize, or with due care in realization might have realized, an amount equal to 50p in the pound of his unsecured liabilities.
- (5) The powers of suspending and of attaching conditions to a bankrupt's discharge may be exercised concurrently.
- (6) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the trustee may require in the realization and distribution of such of his property as is vested in the trustee, and if he fails to do so he shall be guilty of a contempt of Court, and for such contempt, on the application of the trustee, shall be liable to imprisonment for a term not exceeding three months; and, in addition thereto, the Court may, if it thinks fit, revoke his discharge, but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done subsequent to the discharge, but before its revocation.

86 Offences by debtors

~~A bankrupt shall in each of the cases following be deemed guilty of a misdemeanour, and, on conviction thereof, shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour (that is to say):—~~

~~If, with intent to defraud—~~

A bankrupt commits an offence if, with intent to defraud, -

- (1) He does not, to the best of his knowledge and belief, fully and truly discover to the trustee all his property, real and personal, and how, and to whom, and for what consideration, and when he disposed of any part thereof, except such part as has been disposed of in the ordinary way of his trade (if any), or laid out in the ordinary expense of his family:
- (2) He does not deliver up to the trustee, or as he directs, all such part of his real and personal property as is in his custody or under his control, and which he is required by law to deliver up:
- (3) He does not deliver up to the trustee, or as he directs, all books, documents, papers, and writings in his custody or under his control relating to his property or affairs:
- (4) After the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals any part of his property to the value of ten pounds or upwards, or conceals any debt due to or from him:
- (5) After the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently removes any part of his property of the value of ten pounds or upwards:
- (6) He makes any material omission in any statement relating to his affairs:
- (7) Knowing or believing that a false debt has been proved by any person under his bankruptcy, he fails for the period of a month to inform such trustee as aforesaid thereof:
- (8) After the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper, or writing, affecting or relating to his property or affairs:
- (9) After the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs:
- (10) After the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs:
- (11) After the presentation of a bankruptcy petition by or against him, or within four months next before such presentation, he fraudulently parts with, alters, or makes any omission, or is privy to the fraudulently parting with, altering, or making any omission in any document affecting or relating to his property or affairs:
- (12) After the presentation of a bankruptcy petition by or against him, or at any meeting of his creditors within four months next before such presentation, he attempts to account for any part of his property by fictitious losses or expenses:
- (13 and 14) [Repealed]

- (15) Within four months next before the presentation of a bankruptcy petition by or against him, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property which he has obtained on credit and has not paid for:
- (16) He is guilty of any false representation, or other fraud for the purpose of obtaining the consent of his creditors, or any of them, to any agreement with reference to his affairs or his bankruptcy:
- (17) After the presentation of a bankruptcy petition by or against him, or within four months before such presentation, he quits this Isle and takes with him, or attempts or makes preparations for quitting this Isle, and for taking with him, any part of his property to the amount of twenty pounds or upwards, which ought by law to be divided amongst his creditors.

Maximum penalty (summary) 2 years' custody and a fine.

87 Undischarged bankrupt obtaining credit to extent of £20 to be guilty of ~~misdemeanour~~ offence

Where an undischarged bankrupt who has been adjudged bankrupt obtains credit to the extent of twenty pounds or upwards from any person without informing such person that he is an undischarged bankrupt, he shall be guilty of a ~~misdemeanour~~, and on conviction thereof shall be liable to be imprisoned for any time not exceeding two years, with or without hard labour. ~~of an offence.~~

Maximum penalty (summary) 2 years' custody and a fine.

88 Penalty for fraudulently obtaining credit, etc

Any person shall, in each of the cases following be deemed guilty of ~~misdemeanour~~, and on conviction thereof shall be liable to be imprisoned for any period not exceeding one year, with or without hard labour (that is to say) ~~of an offence, -~~

- (1) [Repealed]
- (2) If he has, with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of, or any charge on, his property;
- (3) If he has, with intent to defraud his creditors, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

Maximum penalty (summary) 12 months' custody and a fine

94—Power for Court to commit for trial

~~Where there is, in the opinion of the Court, ground to believe that the bankrupt or any other person has been guilty of any offence which is by statute made a misdemeanour in cases of bankruptcy, the Court may commit the bankrupt or such other person for~~

~~trial, or may direct that such bankrupt or other person be taken into custody and brought before a high bailiff or a justice of the peace, who shall inquire into the offence charged in like manner as in the case of other indictable offences.~~

95 ~~Punishments under this Act cumulative~~ **No person to be punished twice for same conduct under different enactments**

Where any person is liable under any other Act of Tynwald to any punishment or penalty for any offence made punishable by this Act, such person may be proceeded against under such other Act of Tynwald, or under this Act, so that he be not punished twice for the same offence.

51(23) Industrial and Building Societies Act 1892

14 Rules

With respect to the rules of registered societies the following provisions shall have effect: —

- (1) The rules of every industrial and provident society sent for registry shall contain provisions in respect of several matters mentioned in the first schedule to this Act; and the rules of every building society sent for registry shall contain provisions in respect of the several matters mentioned in the second schedule to this Act:
- (2) Any society under this Act, registered under the Companies Acts previously to the passing of this Act, may make any amendment of a rule, by the vote of three-fourths of the members present at a special meeting called for the purpose, of which meeting notice, specifying the proposed amendment of a rule, shall be given to the members in the manner provided by the rules of the society, or, in the absence of such rules of the society, or, in the absence of such rules, by letters sent through the post seven days previous to such meeting; and any society hereafter established may alter or rescind any rule, or make an amendment of a rule, in the manner its rules direct:
- (3) No rule and no amendment of a rule made by a society shall be valid until the same have been registered under this Act, for which purpose two copies of such rules or amendment of a rule, signed by three members and the secretary, shall be sent to the Department, who, if it finds that such rules, or amendment of a rule, is in conformity with this Act, shall return one of the copies to the secretary or other officer of the society, with a certificate of registration thereon, and retain and register the other copy. The certificate of registration may be in the form contained in the fourth schedule to this Act:
- (4) The provision herein contained as to appeals from a refusal of registry, shall apply to rules and amendments of rules:

- (5) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding such sum as may be prescribed under section 32:
- (6) ~~If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanour.~~

18 Property and funds of societies

With respect to the property and funds of registered societies, the following provisions shall have effect: —

- (1) A society may (if its rules do not direct otherwise) hold, purchase, or take on lease, in its own name, any land, and may sell, exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connection with such sale, exchange, mortgage, or lease:
- (2) The rules may provide for the advancing of money by the society to members on the security of real or personal property:
- (3) A society may, if its rules so allow, invest any part of its capital in the shares or on the security of any other society registered under this Act, or of any company registered under the Companies Acts, or incorporated by Act of Tynwald, or incorporated in England or Scotland under the provisions of any Act of Parliament: Provided that no such investment be made in the shares of any society or company other than one with limited liability; and a society so investing may make such investment in its registered name, and shall be deemed to be a person within the meaning of the Companies Acts; and any investment made before the passing of this Act, which would have been valid if this Act had been then in force, is hereby made valid and confirmed:
- (3A) Notwithstanding paragraph (3) above, a society may, if its rules so allow, invest any funds of the society which are not immediately required for its purpose in a manner authorised by regulations made under this paragraph by the Treasury; and such regulations may contain provisions authorising the application of funds of a society in any form of investment subject to any limitations so to amount, whether by reference to a fixed sum or by reference to a proportion of the total investments of the society or otherwise:
- (4) Any other body corporate may, if its regulations permit, hold shares by its corporate name in a society:
- (5) The profits of the society may be applied to any lawful purpose:

- (6) ~~If any person obtains possession, by false representation or imposition, of any property of a society, or, having the same in his possession, withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the committee thereof, or of the Department, be liable, on summary conviction, to a penalty not exceeding level 5 on the standard scale, with costs, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.~~

25 Commencing business before incorporation and failure to make returns, etc

- (1) If any society hereafter formed under this Act, or any persons representing themselves to be a society under this Act, commence business without first obtaining a certificate of incorporation under this Act, or if any society under this Act makes default in forwarding to the Department any returns or information by this Act required, or in inserting in any deposit book or acknowledgment or security for loan the matters required by section sixteen of this Act to be inserted therein, or makes a return wilfully false in any respect, the person or persons by whom business shall have been so commenced, or by whom such default shall have been made, or who shall have made such wilfully false return, shall be guilty of a ~~misdemeanour~~ **an offence**.

Maximum penalty (summary) 2 years' custody and a fine.

- (2) If any society under this Act receives loans or deposits in excess of the limits prescribed by this Act, the directors or committee of management of such society receiving such loans or deposits on its behalf, shall be personally liable for the amount so received in excess.

27 Penalties for falsification

~~If any person wilfully makes, orders, or allows to be made any entry, erasure, in or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be guilty of a misdemeanour.~~

31 — Penalty for misdemeanour

~~Any person convicted of a misdemeanour under this Act shall be liable, at the discretion of the Court in which he may be tried, to be imprisoned for a term not exceeding two years, with or without hard labour, and to a penalty not exceeding level 5 on the standard scale.~~

51(24) Loans (Infants) Act 1907

3 **Persons sending to infants circulars inviting to borrow money guilty of a misdemeanour**

- (1) If anyone, for the purpose of earning interest, commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to borrow money, or to enter into any transaction involving the borrowing of money, or to apply to any person or at any place with a view to obtaining information or advice as to borrowing money, ~~he shall be guilty of a misdemeanour, and shall be liable, if convicted on indictment, to imprisonment with or without hard labour, for a term not exceeding three months, or to a fine, or to both imprisonment and fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding level 4 on the standard scale, or to both imprisonment and fine~~ **he shall be guilty of an offence.**

Maximum penalty (summary) 3 months' custody and a level 4 fine.

- (2) If any such document as above in this section mentioned sent to an infant purports to issue from any address named therein, or indicates any address as the place at which application is to be made with reference to the subject matter of the document, and at that place there is carried on any business connected with loans, whether making or procuring loans or otherwise, every person who attends at such place for the purpose of taking part in, or who takes part in, or assists in the carrying on of such business, shall be deemed to have sent or caused to be sent such document as aforesaid, unless he proves that he was not in any way a party to and was wholly ignorant of the sending of such document.

~~7~~ **Recovery of penalties**

~~Any prosecution for the recovery of a penalty under this Act may be at the suit of the Attorney General or the chief constable, and may be prosecuted or enforced and recovered summarily before a high bailiff or two justices of the peace; and all penalties when recovered shall be paid to the Treasurer of the Isle of Man, to be carried to the general revenue thereof.~~

51(26) Partnership Act 1909

~~54 — Making false returns to be misdemeanour~~

~~Every one commits a misdemeanour, and shall be liable to imprisonment with hard labour for a term not exceeding two years, who makes, signs, sends, or delivers for the purpose of registration under this Act any false statement known by him to be false.~~

54 Offence of making false return

A person who makes, signs, sends or delivers any statement for the purpose of, or in connection with, registration, knowing the statement to be false, commits an offence.

Maximum penalty (summary) 2 years' custody and a fine.

51(27) Census Act 1929

6 Penalties

- (1) If any person —
- (a) refuses or neglects to comply with or acts in contravention of any of the provisions of this Act or any order or regulation made under this Act; or
 - (b) being a person required under this Act to make a statutory declaration with respect to the performance of his duties, makes a false declaration; or
 - (c) being a person required by any Order or regulations made under this Act to make, sign or deliver any document, makes, signs or delivers, or causes to be made, signed, or delivered a false document; or
 - (d) being a person required in pursuance of any such Order or regulations to answer any question refuses to answer or gives a false answer to that question;
- he shall for each offence be liable on summary conviction at the suit of the Chief Constable or any Inspector of Police or the Treasury to a fine not exceeding level 3 on the standard scale.
- (2) If any person —
- (a) being a person employed in taking a census, without lawful authority, publishes or communicates to any person otherwise than in the ordinary course of such employment, any information acquired by him in the course of his employment; or
 - (b) having possession of any information which, to his knowledge, has been disclosed in contravention of this Act, publishes or communicates that information to any other person;

he shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment with or without hard labour for a term not exceeding two years or to a fine, or to both such imprisonment and fine **an offence**.

Maximum penalty (summary) 2 years' custody and a fine.

51(28) Companies Act 1931

38C Criminal liability for mis-statements in prospectus

[NI1960/44]

- (1) ~~Where a prospectus issued after the commencement of this Act includes any untrue statement, any person who authorised the issue of the prospectus shall be liable —~~

~~(a) — on conviction on information, to imprisonment for a term not exceeding two years or a fine, or both; or~~

~~(b) — on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding level 5 on the standard scale, or both;~~

~~unless he proves either that the statement was immaterial or that he had reasonable ground to believe and did, up to the time of the issue of the prospectus, believe that the statement was true.~~

- (1) **If an issued prospectus includes any untrue statement, any person who authorised the issue of the prospectus commits an offence unless he proves that —**

(a) the statement was immaterial; or

(b) he had reasonable ground to believe and did believe, up to the time of the issue of the prospectus, that the statement was true.

Maximum penalty (summary) 2 years' custody and a fine.

- (2) A person shall not be deemed for the purposes of this section to have authorised the issue of a prospectus by reason only of his having given the consent required by section thirty-seven to the inclusion therein of a statement purporting to be made by him as an expert.

61 Penalty on concealment of name of creditor

~~If any director, manager, secretary, or other officer of the company~~ **commits an offence if that person —**

- (1) wilfully conceals the name of any creditor entitled to object to the reduction; or
- (2) wilfully misrepresents the nature or amount of the debt or claim of any creditor; or
- (3) aids, abets or is privy to any such concealment or misrepresentation as aforesaid,

~~he shall be guilty of a misdemeanour.~~

255 Offences by officers of companies in liquidation

- (1) If any person, being a past or present director, manager or other officer of a company which at the time of the commission of the alleged offence is being wound up, whether by or under the supervision of the court or voluntarily, or is subsequently ordered to be wound up by the court or subsequently passes a resolution for voluntary winding up —
- (a) does not to the best of his knowledge and belief fully and truly discover to the liquidator all the property, real and personal, of the company, and how and to whom and for what consideration and when the company disposed of any part thereof, except such part as has been disposed of in the ordinary way of the business of the company; ~~or~~
 - (b) does not deliver up to the liquidator, or as he directs, all such part of the real and personal property of the company as is in his custody or under his control, and which he is required by law to deliver up; ~~or~~
 - (c) does not deliver up to the liquidator, or as he directs, all books and papers in his custody or under his control belonging to the company and which he is required by law to deliver up; ~~or~~
 - (d) within twelve months next before the commencement of the winding up or at any time thereafter conceals any part of the property of the company to the value of ten pounds or upwards, or conceals any debt due to or from the company; ~~or~~
 - (e) within twelve months next before the commencement of the winding up or at any time thereafter fraudulently removes any part of the property of the company to the value of ten pounds or upwards; ~~or~~
 - (f) makes any material omission in any statement relating to the affairs of the company; ~~or~~
 - (g) knowing or believing that a false debt has been proved by any person under the winding up, fails for the period of a month to inform the liquidator thereof; ~~or~~
 - (h) after the commencement of the winding up prevents the production of any book or paper affecting or relating to the property or affairs of the company; ~~or~~
 - (i) within twelve months next before the commencement of the winding up or at any time thereafter, conceals, destroys, mutilates, or falsifies, or is privy to the concealment, destruction, mutilation, or falsification of, any book or paper affecting or relating to the property or affairs of the company; ~~or~~
 - (j) within twelve months next before the commencement of the winding up or at any time thereafter makes or is privy to the making of any false entry in any book or paper affecting or relating to the property or affairs of the company; ~~or~~

- (k) within twelve months next before the commencement of the winding up or at any time thereafter fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulent parting with, altering, or making any omission in, any document affecting or relating to the property or affairs of the company; ~~or~~
- (l) after the commencement of the winding up or at any meeting of the creditors of the company within twelve months next before the commencement of the winding up attempts to account for any part of the property of the company by fictitious losses or expenses; ~~or~~
- (m) has within twelve months next before the commencement of the winding up or at any time thereafter, by any false representation or other fraud, obtained any property for or on behalf of the company on credit which the company does not subsequently pay for; ~~or~~
- (n) within twelve months next before the commencement of the winding up or at any time thereafter, under the false pretence that the company is carrying on its business, obtains on credit, for or on behalf of the company, any property which the company does not subsequently pay for; or
- (o) within twelve months next before the commencement of the winding up or at any time thereafter pawns, pledges, or disposes of any property of the company which has been obtained on credit and has not been paid for, unless such pawning, pledging, or disposing is in the ordinary way of the business of the company; ~~or~~
- (p) ~~is guilty of any false representation or other fraud for the purpose of obtaining the consent of the creditors of the company or any of them to an agreement with reference to the affairs of the company or to the winding up;~~

~~he shall be guilty of a misdemeanour and shall, in the case of the offences mentioned respectively in paragraphs (m), (n), and (o) of this subsection, be liable on conviction on information to penal servitude for a term not exceeding five years, or on summary conviction to imprisonment for a term not exceeding twelve months, or to—~~

- ~~(a) — on information, a fine,~~
- ~~(b) — on summary trial, a fine not exceeding level 5 on the standard scale;~~

~~and in the case of any other offence shall be liable on conviction on information to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding twelve months, or to—~~

- ~~(a) — on information, a fine,~~
- ~~(b) — on summary trial, a fine not exceeding level 5 on the standard scale;~~

~~Provided that it shall be a good defence to a charge under any of paragraphs (a), (b), (c), (d), (f), (n), and (o), if the accused proves that he had no intent to~~

~~defraud, and to a charge under any of the paragraphs (h), (i) and (j), if he proves that he had no intent to conceal the state of affairs of the company or to defeat the law~~ **he is guilty of an offence.**

Maximum penalty, -

- (a) for paragraphs (m), (n) and (o) –**
 - (i) (on information) – 5 years' custody;**
 - (ii) (summary) – 12 months custody and a fine of level 5;**
 - (b) for any other paragraph, (summary) 2 years' custody and a fine.**
- (1A) It is a defence –**
- (a) to a charge under paragraph (a), (b), (c), (d), (f), (n) or (o), for the accused to prove that he had no intent to defraud; and**
 - (b) to a charge under paragraph (h), (i) or (j), for the accused to prove that he had no intent to conceal the state of the company's affairs or to defeat the law.**
- (2) Where any person pawns, pledges or disposes of any property in circumstances which amount to a ~~misdemeanour~~ **an offence** under paragraph (o) of subsection (1) of this section, every person who takes in pawn or pledge or otherwise receives the property knowing it to be pawned, pledged, or disposed of in such circumstances as aforesaid shall be guilty of a ~~misdemeanour~~ **an offence**, and on conviction thereof liable to be punished in the same way as if he had received the property knowing it to have been obtained in circumstances amounting to a ~~misdemeanour~~ **such an offence**.**
- (3) For the purpose of this section, the expression "director" shall include any person in accordance with whose directions or instructions the directors of a company have been accustomed to act.**

256 Penalty for falsification of books

If any director, manager or other officer, or contributory of any company being wound up destroys, mutilates, alters, or falsifies any books, papers, or securities, or makes or is privy to the making of any false or fraudulent entry in any register, book of account, or document belonging to the company with intent to defraud or deceive any person, he shall be guilty of a ~~misdemeanour~~, and be liable to imprisonment for any term not exceeding two years, with or without hard labour **of an offence.**

Maximum penalty (summary) 2 years' custody and a fine.

257 Frauds by officers of companies which have gone into liquidation

If any person, being at the time of the commission of the alleged offence a director, manager or other officer of a company which is subsequently ordered to be wound up by the court or subsequently passes a resolution for voluntary winding up **commits an offence if he –**

- (a) has by false pretences or by means of any other fraud induced any person to give credit to the company;
- (b) with intent to defraud creditors of the company, has made or caused to be made any gift or transfer of or charge on, or has caused or connived at the levying of any execution against the property of the company;
- (c) with intent to defraud creditors of the company, has concealed or removed any part of the property of the company since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against the company;

~~he shall be guilty of a misdemeanour and shall be liable on conviction on information to imprisonment for a term not exceeding two years, or on summary conviction to imprisonment for a term not exceeding twelve months, or to—~~

~~(a) —on information, a fine,~~

~~(b) —on summary trial, a fine of not exceeding level 5 on the standard scale.~~

Maximum penalty (summary) 2 years' custody and a fine.

326 Penalty for false statement

If any person in any return, report, certificate, balance sheet, or other document, required by or for the purposes of any of the provisions of this Act specified in the Tenth Schedule hereto, wilfully makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanour, and shall be liable on conviction to imprisonment for a term not exceeding two years, with or without hard labour, and on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid:

~~Provided that the fine imposed on summary conviction shall not exceed level 5 on the standard scale.~~ **of an offence.**

Maximum penalty (summary) 2 years' custody and a fine.

329 —Forging seal, etc, of Department or of company shall be felony

~~If any person shall forge the seal, stamp, or signature of the Department to any certificate, document or proceeding, or entry required of any corporation or joint stock or other company required by this Act to be, or which shall be, verified by the seal, stamp, or signature of the Department, or any certified copy of any document, bye-law, entry in any register or other book, or other proceedings, as aforesaid, or shall tender in evidence any such certificate, entry, or document or proceeding of any corporation or joint stock or other company, or any certified copy of any document, bye-law, entry in any register or other book, or of any other proceeding with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false, or counterfeit, whether such seal, stamp, or signature be those of or relating to any corporation or company already established, or to any corporation or company to be hereafter established under or registered under this Act, every such person shall be guilty of felony, and shall be proceeded against according to the law and practice of~~

~~this Isle in cases of felony, and shall, upon conviction, be liable to penal servitude for seven years, or to imprisonment for any term not more than three years.~~

51(30) Forgery Act 1952

2 Forgery of certain documents with intent to defraud

[1913/2]

- (1) Forgery of the following documents, if committed with intent to defraud, shall be ~~felony~~ **offence** and punishable with ~~imprisonment~~ **custody** for life: —
 - (a) any will, codicil, or other testamentary document, either of a dead or a living person, or any probate or letters of administration, whether with or without the will annexed;
 - (b) any deed or bond, or any assignment at law or in equity of any deed or bond, or any attestation of the execution of any deed or bond;
 - (c) any bank note, or any endorsement on or assignment of any bank note;
 - (d) any order made by His Majesty in Council or any Act or Ordinance of any part of the Commonwealth or the Republic of Ireland.
- (2) Forgery of the following documents, if committed with intent to defraud, shall be ~~felony~~ **offence** and punishable with ~~imprisonment~~ **custody** for any term not exceeding fourteen years: —
 - (a) Any valuable security or assignment thereof or endorsement thereon, or where the valuable security is a bill of exchange, any acceptance thereof;
 - (b) Any document of title to lands or any assignment thereof or endorsement thereon;
 - (c) Any document of title to goods or any assignment thereof or endorsement thereon;
 - (d) Any power of attorney or other authority to transfer any share or interest in any stock, annuity, or public fund, British or Foreign, or to transfer any share or interest in the debt of any public body, company or society, British or Foreign, or in the capital stock of any such company or society, or to receive any dividend or money payable in respect of such share or interest or any attestation of any such power of attorney or other authority;
 - (e) Any entry in any book or register which is evidence of the title of any person to any share or interest hereinbefore mentioned or to any dividend or interest payable in respect thereof;
 - (f) Any policy of insurance or any assignment thereof or endorsement thereon;
 - (g) Any charter-party or any assignment thereof;
 - (h) Any declaration, warrant, order, affidavit, affirmation, certificate, or other document required or authorised to be made by or for the purposes

of the Government Annuities Act, 1829, or the Government Annuities Act, 1832 (being Acts of the Imperial Parliament) or by the National Debt Commissioners acting under the authority of the said Acts;

- (i) Any assessment, certificate, or notice of the Treasury or the Assessor acting in execution of the Income Tax Acts;

3 Forgery of certain documents with intent to defraud or deceive

[1913/3]

Forgery of the following documents, if committed with intent to defraud or deceive, shall be ~~felony~~ **offence**, and punishable with ~~imprisonment~~ **custody** for life: —

Any document whatsoever having thereupon or affixed thereto the stamp or impression of the Great Seal of the Realm, His Majesty's Privy Seal, any privy signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's seals appointed by the Twenty-fourth Article of the Union between England and Scotland to be kept, used and continued in Scotland, the Great Seal of Northern Ireland, or the Seal Public of the Isle of Man.

- (3) Forgery of the following documents, if committed with intent to defraud or deceive, shall be ~~felony~~ **offence**, and punishable with ~~imprisonment~~ **custody** for any term not exceeding fourteen years: —

- (a) Any register or record of births, baptisms, namings, dedications, marriages, civil partnerships, conversions, deaths, burials or cremations, which now is, or hereafter may be, by law authorised or required to be kept in the Isle of Man, relating to any birth, baptism, naming, dedication, marriage, civil partnership, conversion, death, burial, or cremation, or any part of any such register, or any certified copy of any such register, or of any part thereof;
- (b) Any copy of any register of baptisms, marriages, civil partnerships, conversions, burials or cremations, directed or required by law to be transmitted to any registrar or other officer;
- (c) Any wrapper or label provided by or under the authority of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise or Commissioners of Revenue and Customs.

- (4) Forgery of the following documents, if committed with intent to defraud or deceive, shall be ~~felony~~ **offence**, and punishable with ~~imprisonment~~ **custody** for any term not exceeding seven years: —

- (a) Any official document whatsoever of or belonging to any court of justice, or made or issued by any judge, magistrate, officer, or clerk of any such court;
- (b) Any register or book kept under the provisions of any law in or under the authority of any court of justice;
- (c) Any certificate, office copy or certified copy of any such document, register, or book or of any part thereof;

- (d) Any document which any magistrate or any court is authorised or required by law to make or issue relating to the mental state of any person;
 - (e) Any document which any person authorised to administer an oath, is authorised or required by law to make or issue;
 - (f) Any document made or issued by an officer of state or law officer of the Crown, or any document upon which, by the law or usage at the time in force, any court of justice or any officer might act;
 - (g) Any document or copy of a document used or intended to be used in evidence in any court of record, or any document which is made evidence by law;
 - (h) Any certificate required by any Act for the celebration of marriage, entering into of a civil partnership, or a conversion;
 - (i) Any licence for the celebration of marriage or entering into a civil partnership which may be given by law;
 - (j) Any certificate, declaration, or order under any enactment relating to the registration of births or deaths;
 - (k) Any register book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage, or certificate of mortgage or sale under Part I of the Merchant Shipping Act, 1894 (being an Act of Parliament) or any entry or endorsement required by the said Part of the said Act to be made in or on any of those documents;
 - (l) Any permit, certificate, or similar document made or granted by or under the authority of the Commissioners of Customs and Excise or Commissioners of Revenue and Customs;
 - (m) Any Manorial Roll, or copy of any Manorial Roll or any entries in any of the records relating to any customary real estate;
 - (n) Any register or book kept by the Registrar of Deeds;
 - (o) Any document recorded, filed or enrolled in the Rolls Office or Registry Office of Deeds;
 - (p) Any Certificate of Registration, Receipt to Cancel or certified copy of any such register or book, document, certificate or receipt, or of any part thereof, made or issued by the Registrar or Deputy Registrar of Deeds.
- (5) In this section "conversion" means the conversion of a civil partnership into a marriage under section 27A of the *Civil Partnership Act 2011* and regulations made under that section.

4 ~~Forgery of other documents with intent to defraud or to deceive a misdemeanour~~

~~[1913/4]~~

- (6) ~~Forgery of any document which is not made felony under this or any other statute for the time being in force, if committed with intent to defraud, shall be~~

~~a misdemeanour and punishable with imprisonment for any term not exceeding two years.~~

- (7) ~~Forgery of any public document which is not made felony under this or any other statute for the time being in force, if committed with intent to defraud or deceive, shall be a misdemeanour and punishable with imprisonment for any term not exceeding two years.~~

5 Forgery of seals and dies

[1913/5]

- (1) Forgery of the following seals, if committed with intent to defraud or deceive, shall be ~~felony~~ offence and punishable with ~~imprisonment~~ custody for life: —
- (a) The Great Seal of the Realm, His Majesty's Privy Seal, any privy signet of His Majesty, His Majesty's Royal Sign Manual, any of His Majesty's seals appointed by the Twenty-fourth Article of the Union between England and Scotland to be kept, used and continued in Scotland, the Great Seal of Northern Ireland, the Seal Public of the Isle of Man;
 - (b) The seals of the Public Record Office in England;
 - (c) The seal of any court of record or judge authorised to use a seal;
 - (d) The seal of the offices of the Registrar-General of Births, Deaths and Marriages.
- (2) Forgery of the following seals, if committed with intent to defraud or deceive, shall be ~~felony~~ offence, and punishable with ~~imprisonment~~ custody for any term not exceeding fourteen years: —
- (a) The seal of any register office relating to births, baptisms, marriages or deaths;
 - (b) The seal of any public or local authority;
 - (c) The seal of, or belonging to, any office for the registry of deeds or titles to lands;
 - (d) The seal of any body corporate, company or society.
- (3) Forgery of the following seals, if committed with intent to defraud or deceive shall be ~~felony~~ offence, and punishable with ~~imprisonment~~ custody for any term not exceeding seven years: —
- (a) The seal of any court of justice other than a court of record;
 - (b) The seal of the Court of Protection.
- (4) Forgery of the following dies, if committed with intent to defraud or deceive, shall be ~~felony~~ offence and punishable with ~~imprisonment~~ custody for any term not exceeding fourteen years: —
- ~~(a) Any die provided, made, or used by the Commissioners of Inland Revenue or the Commissioners of Customs and Excise or Commissioners of Revenue and Customs;~~

- (a) any die made, provided or used by the Commissioners of His Majesty's Revenue and Customs or an officer of Revenue and Customs;
 - (b) Any die by means of which any mark of the nature of a sponsor's mark or a hallmark is struck on any metal.
- (5) Forgery of the following die, if committed with intent to defraud or deceive, shall be ~~felony~~ offence and punishable with ~~imprisonment~~ custody for any term not exceeding seven years: —

Any stamp or die provided, made, or used in pursuance of the Official Fees Acts, 1874 and 1928, or the *Public Offices Fees Act 1888*, or any other Acts of Tynwald for the time being in force under the authority of which stamps are provided, made, or used.

6 Uttering

[1913/6]

- (1) Every person who utters any forged document, seal, or die shall be guilty of an offence of the like degree (whether felony or misdemeanour) and on conviction thereof shall be liable to the same punishment as if he himself had forged the document, seal, or die.
- (2) A person utters a forged document, seal or die, who, knowing the same to be forged, and with either of the intents necessary to constitute the offence of forging the said document, seal or die, uses, offers, publishes, delivers, disposes of, tenders in payment or in exchange, exposes for sale or exchange, exchanges tenders in evidence, or puts off the said forged document, seal or die.
- (3) It is immaterial where the document, seal, or die was forged.

7 ~~Demanding property on forged documents, etc~~

~~[1913/7]~~

~~Every person shall be guilty of felony and on conviction thereof shall be liable to imprisonment for any term not exceeding fourteen years, who, with intent to defraud, demands, receives, or obtains, or causes or procures to be delivered, paid or transferred to any person or endeavours to receive or obtain or to cause or procure to be delivered, paid or transferred to any person any money, security for money or other property, real or personal: —~~

- ~~(a) — under, upon, or by virtue of any forged instrument whatsoever, knowing the same to be forged; or~~
- ~~(b) — under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing on which such probate or letters of administration shall have been obtained, to have been forged, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation, or affidavit.~~

8 Possession of forged documents, seals, and dies

[1913/8]

- (1) Every person shall be guilty of ~~felony~~ **an offence** and on conviction thereof shall be liable to ~~imprisonment~~ **custody** for any term not exceeding fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases or receives from any person, or has in his custody or possession, a forged bank note, knowing the same to be forged.
- (2) Every person shall be guilty of ~~felony~~ **an offence** and on conviction thereof shall be liable to ~~imprisonment~~ **custody** for any term not exceeding fourteen years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession: —
 - (a) a counterfeit of a die by means of which any mark of the nature of a sponsor's mark or a hallmark is struck on any metal, or an article (whether of a precious metal or not) which means a counterfeit of any such mark;
 - (b) any forged stamp or die as defined by the Stamp Duties Management Act, 1891 (being an Act of the Imperial Parliament), or the Stamps Management Act, 1936 (being an Act of the Imperial Parliament);
 - (c) any forged wrapper or label provided by or under the authority of the Commissioners of Inland Revenue, the Commissioners of Customs and Excise or Commissioners of Revenue and Customs or the Treasury.
- (3) Every person shall be guilty of ~~felony~~ **an offence** and on conviction thereof shall be liable to ~~imprisonment~~ **custody** for any term not exceeding seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, and knowing the same to be forged, has in his custody or possession: —

Any forged stamp or die resembling or intended to resemble either wholly or in part any stamp or die which at any time whatever has been or may be provided, made, or used by or under the provisions of the Official Fees Acts, 1874 and 1928, or the *Public Offices Fees Act, 1888*, or any other Acts of Tynwald for the time being in force.

9 Making or having in possession paper or implements for forgery

[1913/9]

Every person shall be guilty of ~~felony~~ **an offence** and on conviction thereof shall be liable to ~~imprisonment~~ **custody** for any term not exceeding seven years, who, without lawful authority or excuse, the proof whereof shall lie on the accused: —

- (a) Makes, uses, or knowingly has in his custody or possession any paper intended to resemble and pass as —
 - (i) Special paper such as is provided and used for making any bank note, Treasury bill, or London county bill;
 - (ii) Revenue paper;

- (b) Makes, uses, or knowingly has in his custody or possession any frame, mould, or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines, or devices peculiar to and used in or on any such paper;
- (c) Engraves, or in anywise makes upon any plate, wood, stone, or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any bank note, or in or on any document entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund, or debt of any part of the Commonwealth, or of any foreign state, or in any stock, annuity, fund or debt of any body corporate, company, or society, whether within or without the Commonwealth;
- (d) Uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines or devices have been engraved or in anywise made as aforesaid;
- (e) Uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines, or devices have been printed or in anywise made as aforesaid.

10 Purchasing or having in possession certain paper before it has been duly stamped and issued

[1913/10]

~~Every person shall be guilty of a misdemeanour and on conviction thereof shall be liable to imprisonment for any term not exceeding two years, who, without lawful authority or excuse, the proof whereof shall lie on the accused, purchases, receives, or knowingly has in his custody or possession —~~

A person commits an offence if, without lawful authority or excuse, which it shall be for the accused to establish, he or she purchases, receives, or knowingly has in his or her possession, -

- (a) Any special paper such as is provided and used for making any bank note, Treasury bill, or London county bill, or any Revenue paper before such paper has been duly stamped, signed, and issued for public use;
- (b) Any die peculiarly used in the manufacture of any such paper.

Maximum penalty (summary) 2 years' custody and a fine.

11 Forgery of passport

[1925/36]

~~Every person shall be guilty of a misdemeanour punishable with imprisonment not exceeding two years or a fine not exceeding £500, or both such imprisonment and fine, who~~ **A person commits an offence if he or she forges any passport or makes a statement**

which is to ~~his knowledge~~ **his or her knowledge** untrue for the purpose of procuring a passport, whether for ~~himself~~ **himself or herself** or any other person.

Maximum penalty (summary) 2 years' custody and a fine.

13 Punishments

[1913/12]

- (1) On conviction of ~~a felony or misdemeanour~~ **an offence** punishable under this Act, the court, instead of or in addition to any other punishment which may be lawfully imposed, may fine the offender.
- (2) ~~On conviction of a felony punishable under this Act, the court, in addition to imposing a sentence of imprisonment, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.~~
- (3) ~~On conviction of a misdemeanour punishable under this Act, the court, instead of or in addition to any other punishment which may lawfully be imposed for the offence, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.~~
- (4) ~~No person shall be imprisoned under this section for more than one year for not finding sureties.~~

15 Search warrants

[1913/16]

- (1) If it shall be made to appear by information on oath before a Justice of the Peace that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse —
 - (a) any bank note; or
 - (b) any implement for making paper or imitation for the paper used for bank notes; or
 - (c) any material having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of a bank note; or
 - (d) any forged document, seal, or die; or
 - (e) any machinery, implement, utensil, or material used or intended to be used for the forgery of any document;

the justice may grant a warrant to search for the same; and if the same shall be found on search, it shall be lawful to seize it and carry it before a justice to be by him disposed of according to law.

- (2) Every document, seal or die (except any forged bank note or any machinery, implement, utensil or material used or intended to be used for the forgery of a bank note) lawfully seized under such warrant shall be defaced and destroyed or otherwise disposed of —

- (a) by order of the court before which the offender is tried; or
 - (b) if there is no trial, by order of a justice of the peace; or
 - ~~(c) if it affects the public revenue, by the Treasury or the Commissioners of Inland Revenue, the Commissioners of Customs and Excise or Commissioners of Revenue and Customs or the Treasury, as the case may require; or~~
 - ~~(d) if it affects an assay office, by that office.~~
 - (c) if it affects the public revenue, by order of,—
 - (i) the Lords Commissioners of Her Majesty's Treasury;
 - (ii) the Commissioners of Revenue and Customs; or
 - (iii) the Treasury,
 as the case requires; or
 - (d) if it affects an assay office, by order of that office.
- (3) Every forged bank-note or any machinery, implement, utensil, material, used or intended to be used for the forgery of a bank-note lawfully seized under a warrant granted in pursuance of subsection (1) of this section or otherwise, shall be delivered up to the Governor or any person authorised by him for the purpose, by order of the court before which the offender is tried or, if there is no trial, by order of a justice of the peace.

16 Form of indictment and proof of intent

[1913/17]

- (1) In an ~~indictment~~ or information for an offence against this Act with reference to any document, seal, or die, it is sufficient to refer to the document, seal or die by any name or designation by which it is usually known, or by its purport, without setting out any copy or facsimile of the whole or any part of the document, seal or die.
- (2) Where an intent to defraud or an intent to deceive is one of the constituent elements of an offence punishable under this Act, or under any other Act relating to forgery or any kindred offences for the time being in force, it shall not be necessary to allege ~~in the indictment~~ in the information or to prove an intent to defraud or deceive any particular person; and it shall be sufficient to prove that the defendant did the act charged with intent to defraud or deceive, as the case may require.
- (3) If any person who is a member of any ~~co-partnership~~ partnership, or is one of two or more beneficial owners of any property, forges any document, matter, or thing with intent to defraud the ~~co-partnership~~ partnership or the other beneficial owners, he is liable to be dealt with, indicted, tried and punished as if he had not been or was not a member of the co-partnership, nor one of such beneficial owners.

18 Interpretation

[1913/18]

- (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereinafter respectively assigned to them, that is to say: —

“**bank-note**” includes any note or bill of exchange of the Bank of England or Bank of Ireland, or of any other person, body corporate, or company carrying on the business of banking in any part of the world, or Government note under the *Currency Act 1992* or any currency notes issued by or on behalf of the Government of any country outside the Isle of Man, including currency notes (by whatever name called) which are legal tender in the country in which they are issued, and includes “**bank bill**”, “**bank post bill**”, “**blank bank note**”, “**blank bank bill of exchange**” and “**blank bank post bill**.”

“**Commonwealth**” means the British Commonwealth of Nations.

“**bill of exchange**” includes a promissory note.

“**die**” includes any plate, type, tool or implement whatsoever, and also any part of any die, plate, type, tool or implement, and any stamp or impression thereof or any part of such stamp or impression, and for this purpose “**plate**” includes a photographic plate;

“**document of title to goods**” includes any bill of lading, India warrant, dock warrant, warehouse keeper’s certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or by delivery the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to.

“**document of title to lands**” includes any deed, map, roll, register or instrument in writing being or containing evidence of the title or any part of the title to any land or to any interest in or arising out of any land, or any authenticated copy thereof.

“**imprisonment**” [Repealed]

“**Revenue paper**” means any paper provided by the proper authority for the purpose of being used for stamps, licences, permits, Post Office money orders, or postal orders, or for any purpose whatever, connected with the public revenue.

“**seal**” includes any stamp or impression of a seal or any stamp or impression made or apparently intended to resemble the stamp or impression of a seal, as well as the seal itself.

“**stamp**” includes a stamp impressed by means of a die, as well as an adhesive stamp.

“**Treasury bill**” includes Exchequer bill, Exchequer bond, Exchequer debenture, and War bond.

“Valuable security” includes any writing entitling or evidencing the title of any person to any share or interest in any public stock, annuity, fund or debt of any part of the Commonwealth or the Republic of Ireland or of any foreign state, or in any stock, annuity, fund, or debt, or any body corporate, company or society whether within or without the Commonwealth, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order, or other security for the payment of money, or any authority or request for the payment of money or for the delivery or transfer of goods or chattels, or any accountable receipt, release, or discharge or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal.

- (1A) In this Act “**assay office**”, “**hallmark**” and “**sponsor’s mark**” have the same meanings as in the Hallmarking Act 1973 (an Act of Parliament).
- (2) References in this Act to any Government department shall in relation to any functions performed by that department, be held to include references to any other Government department by which the same functions were previously performed.
- (3) Terms used in this Act which are defined in the Commissioners of Revenue and Customs Act 2005 (of Parliament) have the same meaning as in that Act, and references to those Commissioners and their offices include references to, -
- (a) the Commissioners of Her Majesty’s Customs and Excise and their officers; and
- (b) Board of Inland Revenue and its officers.

19 — Saving clauses

[1913/19]

- (1) ~~Where an offence against this Act also by virtue of some other Act subjects the offender to any forfeiture or disqualification, or to any penalty other than imprisonment or fine, the liability of the offender to punishment under this Act shall be in addition to and not in substitution for his liability under such other Act.~~
- (2) ~~Where an offence against this Act is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act: Provided that where such an offence was at the commencement of this Act punishable only on summary conviction, it shall remain only so punishable.~~

51(31) Perjury Act 1992

1 Perjury

[1911/1]

- (1) If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding wilfully makes a statement material in that proceeding, which he

knows to be false or does not believe to be true, he shall be guilty of perjury, and shall, on conviction thereof on indictment, be liable to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and fine of an offence of perjury.

Maximum penalty, -

- (a) (on information) 7 years' custody and a fine;
- (b) (summary) 12 months' custody and a fine of level 5.

- (2) The expression "judicial proceeding" includes a proceeding before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.
- (3) Where a statement made for the purposes of a judicial proceeding is not made before the tribunal itself, but is made on oath before a person authorised by law to administer an oath to the person who makes the statement, and to record or authenticate the statement, it shall, for the purposes of this section, be treated as having been made in a judicial proceeding.
- (4) A statement made by a person lawfully sworn in the Isle of Man for the purposes of a judicial proceeding —
 - (a) in any part of ~~Her Majesty's~~ His Majesty's dominions or any territory under ~~Her Majesty's~~ His Majesty's protection or in which she has jurisdiction; or
 - (b) in a British tribunal lawfully constituted in any place by sea or land outside ~~Her Majesty's~~ His Majesty's dominions; or
 - (c) in a tribunal of any foreign state,shall, for the purposes of this section, be treated as a statement made in a judicial proceeding in the Isle of Man.
- (5) Where, for the purposes of a judicial proceeding in the Isle of Man, a person is lawfully sworn under the authority of an Act of Tynwald —
 - (a) in any part of ~~Her Majesty's~~ His Majesty's Dominions or any territory under ~~Her Majesty's~~ His Majesty's protection or in which she has jurisdiction; or
 - (b) before a British tribunal or a British Officer in a foreign country, or within the jurisdiction of the Admiralty of England;a statement made by such person so sworn as aforesaid (unless the Act of Tynwald under which it was made otherwise specifically provides) shall be treated for the purposes of this section as having been made in the judicial proceeding in the Isle of Man for the purposes whereof it was made.
- (6) The question whether a statement on which perjury is assigned was material is a question of law to be determined by the court of trial.

1A False unsworn statement under Evidence (Proceedings in Other Jurisdictions) Act 1975

If any person, in giving any testimony (either orally or in writing) otherwise than on oath, where required to do so by an order under section 2 of the Evidence (Proceedings in Other Jurisdictions) Act 1975 (an Act of Parliament extended to the Isle of Man by the Evidence (Proceedings in Other Jurisdictions) (Isle of Man) Order 1979), makes a statement —

- (a) which he knows to be false in a material particular, or
- (b) which is false in a material particular and which he does not believe to be true,

~~he shall be guilty of an offence and shall be liable on conviction on information to imprisonment for a term not exceeding two years or a fine or both~~ **of an offence.**

Maximum penalty (summary) 2 years' custody and a fine.

2 False statements on oath made otherwise than in a judicial proceeding

[1911/2]

If any person being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn (otherwise than in a judicial proceeding) wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true he shall be guilty ~~of a misdemeanour, and, on conviction thereof on indictment, shall be liable to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and fine~~ **of an offence.**

Maximum penalty, -

- (a) (on information) – 7 years' custody and a fine;
- (b) (summary) – 12 months custody and a fine of level 5.

3 False statements, etc, with reference to marriage

[1911/3]

(1) If any person —

- (a) for the purpose of procuring a marriage, or a certificate or licence for marriage, knowingly and wilfully makes a false oath, or makes or signs a false declaration, notice or certificate required under any Act of Tynwald for the time being in force relating to marriage; or
- (b) knowingly and wilfully makes, or knowingly and wilfully causes to be made, for the purpose of being inserted in any register of marriage or register of conversions, a false statement as to any particular required by law to be known and registered relating to any marriage or any civil partnership which is to be converted into a marriage; or
- (c) forbids the issue of any certificate or licence for marriage by falsely representing himself to be a person whose consent to the marriage is required by law knowing such representation to be false,

he shall be guilty of a misdemeanour, and on conviction thereof on indictment, shall be liable to imprisonment for a term not exceeding seven years or to a fine, or to both such imprisonment and fine, and on summary conviction thereof shall be liable to a fine not exceeding level 5 on the standard scale of an offence.

Maximum penalty, -

- (a) (on information) – 7 years' custody and a fine;
 - (b) (summary) – 12 months custody and a fine of level 5.
- (2) No prosecution on indictment for knowingly and wilfully making a false declaration for the purpose of procuring any marriage out of the district in which the parties or one of them dwell shall take place after the expiration of eighteen months from the solemnisation of the marriage to which the declaration refers.
- (3) Summary proceedings for an offence under this section may be instituted at any time within twelve months after the commission of the offence.
- (2) Proceedings for an offence under this section may not be instituted more than 3 years after the commission of the offence.
- (4) In subsection (1)(b), "register of conversions" means the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 27A of the *Civil Partnership Act 2011* and regulations made under that section.

4 False statements, etc, as to births or deaths

[1911/4]

- (1) If any person —
- (a) wilfully makes any false answer to any question put to him by any registrar or deputy registrar of births or deaths relating to the particulars required to be registered concerning any birth or death, or, wilfully gives to any such registrar any false information concerning any birth or death or the cause of any death; or
 - (b) wilfully makes any false certificate or declaration under or for the purposes of any Act relating to the registration of births or deaths, or, knowing any such certificate or declaration to be false, uses the same as true or gives or sends the same as true to any person; or
 - (c) wilfully makes, gives or uses any false statement or declaration as to a child born alive as having been still-born, or as to the body of a deceased person or a still-born child in any coffin, or falsely pretends that any child born alive was still-born; or
 - (d) makes any false statement with intent to have the same inserted in any register of births or deaths:

he shall be guilty of a misdemeanour and shall be liable—

- (i) —on conviction thereof on indictment, to imprisonment for a term not exceeding seven years or to a fine; and

(ii) ~~on summary conviction thereof, to a fine not exceeding level 5 on the standard scale.~~

of an offence.

Maximum penalty, -

- (a) (on information) – 7 years' custody and a fine;
- (b) (summary) – 12 months' custody and a fine of level 5.

(2) ~~A prosecution on indictment for an offence against this section shall not be commenced more than three years after the commission of the offence.~~

(3) ~~Summary proceedings for an offence under this section may be instituted at any time within twelve months after the commission of the offence.~~

(2) Proceedings for an offence under this section may not be instituted more than 3 years after the commission of the offence.

5 False statutory declarations and other false statements without oath

[1911/5]

If any person knowingly and wilfully makes (otherwise than on oath) a statement false in material particular, and the statement is made –

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any Act of Tynwald for the time being in force; or
- (c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any Act of Tynwald for the time being in force,

he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment for any term not exceeding two years, or to a fine or to both such imprisonment and fine of an offence.

Maximum penalty (summary) 2 years' custody and a fine.

6 ~~False declarations, etc, to obtain registration, etc, for carrying on a vocation~~

~~[1911/6]~~

~~If any person –~~

- ~~(a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any Act of Tynwald for the time being in force of persons qualified by law to practice any vocation or calling; or~~
- ~~(b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid,~~

~~by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation which he knows to be false or fraudulent, he shall be guilty of a misdemeanour and shall be liable on conviction~~

~~thereof on indictment to imprisonment for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.~~

7 Aiders, abettors, suborners etc

[1911/7]

- (1) Every person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.
- (2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act **(the principal offence)** shall be guilty ~~of a misdemeanour, and, on conviction thereof on indictment, shall be liable to imprisonment, or to a fine, or to both such imprisonment and fine~~ **of an offence and liable to be sentenced on conviction in the same manner as if he had been convicted of the principal offence.**

9 Form of indictment **information**

[1911/12]

- (1) In an ~~indictment~~ **information** —
 - (a) for making any false statement or false representation punishable under this Act; or
 - (b) for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, solemn declaration, statutory declaration, affidavit, deposition, notice, certificate, or other writing,it is sufficient to set forth the substance of the offence charged, and before which court or person (if any) the offence was committed without setting forth the proceedings or any part of the proceedings in the course of which the offence was committed and without setting forth the authority of any court or person before whom the offence was committed.
- (2) In any ~~indictment~~ **information** for aiding, abetting, counselling, suborning, or procuring any other person to commit any offence hereinbefore in this section mentioned, or for conspiring with any other person, or with attempting to suborn or procure any other person, to commit any such offence, it is sufficient —
 - (a) where such offence has been committed to allege that offence, and then to allege that the defendant procured the commission of that offence; and
 - (b) where such offence has not been committed, to set forth the substance of the offence charged against the defendant without setting forth any matter or thing which it is unnecessary to aver in the case of an ~~indictment~~ **information** for a false statement or false representation punishable under this Act.

11 Proof of certain proceedings on which perjury is assigned

[1911/14]

On a prosecution —

- (a) for perjury alleged to have been committed on the trial of ~~an indictment for felony or misdemeanour~~ **an information**; or

- (b) for procuring or suborning the commission of perjury on any such trial,

the fact of the former trial shall be sufficiently proved by the production of a certificate containing the substance and effect (omitting the formal parts) of the ~~indictment~~ **information** and trial purporting to be signed by the clerk of the court, or other person having the custody of the records of the court where the ~~indictment~~ **information** was tried, or by the deputy of that clerk or other person, without proof of the signature or official character of the clerk or person appearing to have signed the certificate.

12 Interpretation, etc

[1911/15]

- (1) For the purposes of this Act, the forms and ceremonies used in administering an oath are immaterial, if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection, or has declared to be binding on him.

- (2) In this Act —

The expression “**oath**” in the case of persons for the time being allowed by law to affirm or declare instead of swearing, includes “affirmation” and “declaration”, and the expression “**swear**” in the like cases includes “**affirm**” and “**declare**”; and

The expression “**statutory declaration**” means a declaration made by virtue of the *Evidence Act, 1871*, or of any Act, Order, rule or regulation applying or extending the provisions thereof; ~~and~~

The expression “~~indictment~~” includes “**information**”.

13 Savings

[1911/16]

- (1) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than ~~penal servitude, or imprisonment, or fine~~, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act.
- (2) Nothing in this Act shall apply to a statement made without oath by a child under the provisions of the ~~Children Acts, 1910 to 1949~~ **the Children and Young Persons Act 2001**.
- (3) Where the making of a false statement is by any other Act whether passed before or after the commencement of this Act, made punishable on summary

conviction, proceedings may be taken either under such other Act or under this Act:

Provided that where such an offence is by any Act passed before the commencement of this Act, as originally enacted, made punishable only on summary conviction, it shall remain only so punishable.

15 Short Title

This Act may be cited as the Perjury Act, 1952, ~~and shall be construed as one with the Criminal Law Acts, 1872 to 1952, and such Acts and this Act may be together cited as the Criminal Law Acts, 1872 to 1952.~~

51(32) Children and Young Persons Act 1966

1 Cruelty to persons under sixteen

[1933/1]

- (1) If any person who has attained the age of sixteen years and has responsibility for any child or young person under that age, wilfully or recklessly assaults, ill-treats (whether physically or otherwise), neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated (whether physically or otherwise), neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (whether the suffering or injury is of a physical or a psychological nature), that person shall be guilty of an offence.

Maximum penalty, —

(on information) 2 years' custody;

(summary) 12 months' custody or a level 5 fine or both.

- (2) For the purposes of this section —

- (a) a parent or other person legally liable to maintain a child or young person, or the guardian of a child or young person, shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under any enactment relating to social security or social services or, in the case of a child under the age of seven years, leaves that child without adequate supervision for an unreasonable length of time unless he proves that he has good cause so to do.
- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years that other person shall, if he was, when

he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

- (3) A person may be convicted of an offence under this section —
 - (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
 - (b) notwithstanding the death of the child or young person in question.
- (4) Upon the trial of any person who has attained the age of sixteen years and is indicted for infanticide or for the manslaughter of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.
- (5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that the sum of money was accruing or becoming payable, then —
 - (a) in the case of a conviction ~~on indictment~~ **on information**, the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to ~~penal servitude~~ **custody** for any term not exceeding five years; and
 - (b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.
- (6) For the purposes of the last foregoing subsection —
 - (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable;
 - (b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.
- (7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

4 Causing or allowing persons under sixteen to be used for begging

[1933/4]

- (1) If any person causes or procures any child or young person under the age of sixteen years or, having responsibility for such a child or young person, allows

him to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, ~~on summary conviction, be liable to a fine not exceeding level 2 on the standard scale, or alternatively, or in addition thereto, to imprisonment for any term not exceeding three months~~ **be guilty of an offence.**

Maximum penalty – (summary) 3 months’ custody and a fine of level 3.

- (2) If a person having the custody, charge, or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.
- (3) If any person while singing, playing, performing or offering anything for sale in a street or public place has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

6C Offence to supply intoxicating substance

- (1) It is an offence for a person to supply or offer to supply a substance other than a controlled drug —
 - (a) to a person under the age of 18; or
 - (b) to a person who is acting on behalf of a person under that age;
 if he knows or suspects that the substance is, or its fumes are, likely to be inhaled for the purpose of causing intoxication.
- (2) It shall be a defence for a person charged with an offence under subsection (1) to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (3) ~~A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.~~
- (3) **A person guilty of an offence under this section is liable on summary conviction to 6 months’ custody, a fine not exceeding level 5 or both.**
- (4) In this section “controlled drug” has the same meaning as in the *Misuse of Drugs Act 1976*.

8 — Vagrants preventing children from receiving education

[1933/10]

- (1) ~~If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall unless he proves that the child is not by being so taken with him prevented from receiving efficient full time~~

~~education suitable to his age, ability and aptitude, be liable on summary conviction to a fine not exceeding level 1 on the standard scale or to imprisonment for a term not exceeding one month, or to both.~~

~~(1A) Proceedings for an offence under this section shall not be instituted except by the Department of Education, Sport and Culture.~~

~~(2) [Repealed]~~

~~(3) Where in any proceedings for an offence against this section it is proved that the parent or guardian of the child is engaged in any trade or business of such a nature as to require him to travel from place to place, the person against whom the proceedings were brought shall be acquitted if it is proved that the child has attended a school at which he was a registered pupil as regularly as the nature of the trade or business of the parent or guardian permits.~~

~~(4) The Department of Education, Sport and Culture shall have power to make regulations as to the issue of certificates of attendance for the purposes of the last foregoing subsection, and any such regulations shall be laid before Tynwald as soon as may be after they are made.~~

9 Exposing children under twelve to risk of burning

[1933/11]

If any person who has attained the age of sixteen years, having responsibility for any child under the age of twelve years, allows the child to be in any room containing an open fire grate or any heating appliance liable to cause injury to persons by contact therewith, not sufficiently protected to guard against the risk of the child being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding level 3 on the standard scale:

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against ~~by indictment for any indictable offence~~ **for any offence triable on information (whether before a Court of General Gaol Delivery or any other court.**

10 Failing to provide for safety of children at entertainments

[1933/12]

(1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

- (2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.
- (3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale, and also, if the building in which the entertainment is given is licensed under the ~~Cinematograph Act, 1925~~ **Cinematograph Act 1977**, or under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.
- (4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.
- (5) ~~The institution of proceedings under this section shall be the duty of the Chief Constable or any Inspector of the Police.~~
- (5) **Proceedings under this section may be instituted only by, or with the consent of, the Attorney General.**
- (6) This section shall not apply to any entertainment given in a private dwelling-house.

12 Mode of charging offences and limitation of time

[1933/14]

- (1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not, if he is summarily convicted, be liable to a separate penalty in respect of each child or young person except upon separate informations or summonses.
- (2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together, the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.
- (3) [Repealed]
- (4) When any offence mentioned in the First Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the

~~information, summons, or indictment,~~ **complaint, summons or information** the date of the acts constituting the offence.

107 Presumption and determination of age

[1933/99]

- (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall for the purposes of this Act be deemed not to be a child or young person.
- (2) Where in any charge ~~or indictment,~~ **information or summons** for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, except as provided in that Schedule, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.
- (3) Where, in any charge ~~or indictment,~~ **information or summons** for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.
- (4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

118 Interpretation

[1933/107]

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say —

“Affiliation Act” [Repealed]

“approved school” [Repealed]

“approved school order” [Repealed]

“Authority” [Repealed]

“Board” [Repealed]

“care order” [Repealed]

“child” except in Part II means a person who in the opinion of the court before whom he is brought is under the age of fourteen years;

“compulsory school age” has the same meaning as in the *Education Act 2001*;

“Department” means the Department of Health and Social Care;

“detention centre” [Repealed]

“fit person” [Repealed]

“functions” includes powers and duties;

“guardian” in relation to a child or young person includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned has for the time being the actual care of the child or young person;

“hospital” has the same meaning as in the *National Health Service Act 2001*;

“infant” means a person under the age of seven years;

“in need of care or protection” [Repealed]

“intoxicating liquor” [Repealed]

“legal guardian” [Repealed]

“managers” [Repealed]

“parent” [Repealed]

“parental responsibility” has the same meaning as in the *Children and Young Persons Act 2001*;

“place of safety” [Repealed]

“prescribed” means prescribed by regulations made by the Governor and approved by Tynwald;

“public place” includes any public park, garden, sea beach or railway station, and any ground to which the public have or are permitted to have access, whether on payment or otherwise;

“relative” means —

- (a) a grandparent, sibling, uncle or aunt, whether of the full or half blood or by marriage or civil partnership; and
- (b) where an adoption order has been made in relation to any person, any person who would be a relative of the adopted person if the adopted person were the legitimate child of the relationship in question;

“remand home” [Repealed]

“secure juvenile unit” [Repealed]

“street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“voluntary home” [Repealed]

“voluntary organisation” [Repealed]

“young person” means a person who in the opinion of the court before whom he is brought is of the age of fourteen years but is under the age of ~~seventeen years~~ **eighteen years**.

“youth custody unit” [Repealed]

- (2) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.
- (2A) In this Act (except Part VI), references (however expressed) to any relationship between two persons shall be construed in accordance with section 5 of the *Children and Young Persons Act 2001*.
- (3) [Repealed]
- (4) [Repealed]
- (5) [Repealed]
- (6) and (7) [Repealed]
- (7) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act shall be construed as including references to the corresponding provision of this Act.
- (8) The reference in the First Schedule to this Act to any offence under sections one, two, ~~three~~, nine or nineteen of this Act shall be construed as including a reference to any offence under Part III of the *Children Act, 1910*.

51(33) Consumer Protection (Trade Descriptions) Act 1970

18 Penalty for offences

[1968/18]

A person guilty of an offence under this Act for which no other penalty is specified shall be liable—

- ~~(a) on summary conviction to a fine not exceeding level 5 on the standard scale; and~~
- ~~(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.~~

shall be liable on summary conviction to 2 years custody, a fine or both.

51(34) Unsolicited Goods and Services (Isle of Man) Act 1974

3 Directory entries

[1971/3 P]

- (1) A person shall not be liable to make any payment and shall be entitled to recover any payment made by him, by way of charge for including or arranging for the inclusion in a directory of an entry relating to that person or his trade or business, unless there has been signed by him or on his behalf an order complying with this section or a note complying with this section of his agreement to the charge and in the case of a note of agreement to the charge, before the note was signed, a copy of it was supplied, for retention by him, to him or to a person acting on his behalf.
- (2) A person shall be guilty of an offence if, in a case where a payment in respect of a charge would, in the absence of an order or note of agreement to the charge complying with this section, be recoverable from him in accordance with the terms of subsection (1) above, he demands payment, or asserts a present or prospective right to payment, of the charge or any part of it, without knowing or having reasonable cause to believe that the entry to which the charge relates was ordered in accordance with this section or a proper note of agreement has been duly signed.

Maximum penalty (summary) — a fine.

- ~~(2A) A person committing an offence under subsection (2) shall be liable —~~
- ~~(a) on summary conviction, to a fine not exceeding level 5 on the standard scale;~~
 - ~~(b) on conviction on indictment, to a fine.~~
- (3) For the purposes of subsection (1) above, an order for an entry in a directory must be made by means of an order form or other stationery belonging to the person to whom, or to whose trade or business, the entry is to relate and bearing, in print, the name and address (or one or more of the addresses) of that person; and the note required by this section of a person's agreement to a charge shall comply with the requirements of regulations under section 3A applicable thereto.
 - (4) Nothing in this section shall apply to a payment due under a contract entered into before the coming into force of this Act, or entered into by the acceptance of an offer made before the coming into force of this Act.

51(35) Estate Agents Act 1975

2 The estate agents register

- (1) The registrar shall establish and maintain a register, to be called "the estate agents register", which shall be kept in the prescribed manner by the registrar, and

shall be available at all reasonable times for inspection by members of the public on payment of the prescribed fee.

(2) The registrar shall cause to be entered in the register the name and prescribed particulars of every person who, being qualified for registration, has applied in the prescribed manner for registration and paid the prescribed fee.

(3) Any person who wilfully procures or attempts to procure the entry of his name in the register by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either orally or in writing, shall be guilty of an offence ~~and shall be liable—~~

(a) ~~on summary conviction, to a fine not exceeding level 5 on the standard scale; or~~

(b) ~~on conviction on information, to imprisonment for a term not exceeding two years or to a fine, or to both.~~

Maximum penalty (summary) 2 years' custody and a fine.

10 Compensation for dishonesty

(1) The provisions of this section shall have effect with a view to enabling ~~the Board~~ **the OFT**, after consultation with the Treasury, to make, where it thinks fit, grants out of any sums, received by ~~the Board~~ **the OFT** pursuant to this section, for the purpose of relieving or mitigating loss caused by the fraud or other dishonesty of any person engaged in carrying on business as an estate agent in relation to money or other property received by him or any other person in the course of the business; and any bond or security issued or given in favour of ~~the Board~~ **the OFT** for the purposes of this section shall be enforceable at the suit of ~~the Board~~ **the OFT** notwithstanding any rule of law as to insurable interests.

(2) ~~No person shall carry on business as an estate agent unless there is in force, in relation to the business, a guarantee bond or other security issued or given in favour of the Board by a person approved by the Treasury whereby provision is made to the satisfaction of the Attorney General for the payment to the Board, up to the required limit, of the amount of any loss caused by such fraud or dishonesty as is mentioned in subsection (1) above.~~

(3) ~~Any person who fails to comply with subsection (2) above shall be guilty of an offence and shall be liable—~~

(a) ~~on summary conviction, to a fine not exceeding level 5 on the standard scale; or~~

(b) ~~on conviction on information, to a fine.~~

(2) A person commits an offence if he carries on business as an estate agent without there being in force, in relation to the business, a guarantee, bond or other security given in favour of the OFT, in a form approved by the Treasury after consultation with the Attorney General, which provides for the payment to the OFT, up to the required limit, of the amount of any loss caused by such fraud or dishonesty as is mentioned in subsection (1).

Maximum penalty (summary) – a fine.

- (4) In subsection (2) above, “the required limit” shall, subject to subsection (5) below, be –
- (a) where the business is carried on by a single individual, £50,000
 - (b) where the business is carried on by two or more individuals, £50,000 multiplied by the number of those individuals who are authorised practitioners;
 - (c) where the business is carried on by a body corporate –
 - (i) £50,000 multiplied by the number of the directors who are authorised practitioners; or
 - (ii) £100,000,whichever is the greater.
- (5) Where one or more offices at which the business is carried on is or are under the supervision of a manager who is not a person carrying on the business or, as the case may be, a director of the body corporate, the required limit shall be increased by £50,000 for every such manager.
- (6) In subsection (1) above, the reference to any person engaged in carrying on a business is a reference to any person who is so engaged, whether as principal or employee; and, for the purposes of this subsection, “employee” includes a director of a body corporate.

11 Persons prohibited from carrying on business as estate agents

- (1) Subject to section 12 of this Act, an individual shall not carry on business as an estate agent unless he is an authorised practitioner, that is to say, an individual –
- (a) whose name is in the estate agents register and who is not subject to an order under paragraph 1(a)(ii) of Schedule 1 to this Act; or
 - (b) who, having had his name removed from the register, has not yet been given notice by the registrar of its removal; or
 - (c) who, having applied for registration in the estate agents register before the expiration of the period of one year beginning with the appointed day, has not had his application finally determined.
- (2) Subject to section 12 of this Act, a body corporate shall not carry on business as an estate agent –
- (a) in a case where the carrying on of that business is the main activity of the body corporate, unless all the directors are authorised practitioners;
 - (b) in a case where the carrying on of that business is not the main activity of the body corporate, unless –
 - (i) each director responsible for the carrying on of that business is an authorised practitioner; and

- (ii) that business is managed by a person (whether a director or not) who is an authorised practitioner;

and a body corporate shall not, in any case, carry on such a business while it is subject to an order under paragraph 1(b)(i) of Schedule 1 to this Act.

- (3) Subject to section 12 of this Act, a person shall not carry on business as an estate agent unless, in every office where the business is carried on, it is carried on under the supervision of an authorised practitioner.
- (4) ~~Any person who contravenes this section shall be guilty of an offence and shall be liable —~~
- ~~(a) — on summary conviction, to a fine not exceeding level 5 on the standard scale.~~
- ~~(b) — on conviction on indictment, to a fine.~~
- (4) A person who contravenes this section commits an offence.
- Maximum penalty (summary) – a fine.

18 Interpretation

- (1) In this Act, unless the context otherwise requires —
- “**appointed day**”, in relation to any provision, means the day appointed under section 19(3) of this Act for the taking effect of that provision;
- “**authorised practitioner**” has the meaning assigned to it by section 11 (1) of this Act;
- ~~“**Board**” means the Isle of Man Office of Fair Trading;~~
- “**the Department**” [Repealed]
- “**duly qualified architect**” means an architect registered under the Architects (Registration) Acts 1931 to 1969 (being Acts of Parliament) or a member of the Royal Institute of British Architects;
- “**the estate agents register**” means the register established and maintained under section 2(1) of this Act;
- “**the Estate Agents Tribunal**” means the tribunal constituted under section 6(1) of this Act;
- “**functions**” includes powers and duties;
- “**notice**” means a notice in writing;
- “**the OFT**” means the Isle of Man Office of Fair Trading;
- “**prescribed**” means prescribed by rules under this Act;
- “**recognised body of accountants**” means any of the following bodies namely —
- (a) The Institute of Chartered Accountants in England and Wales;
- (b) The Institute of Chartered Accountants of Scotland;
- (c) The Institute of Chartered Accountants in Ireland;

(d) The Association of Certified Accountants;

“the recognised representative body” has the meaning assigned to it by section 6(1)(c) of this Act;

“the registrar” means the registrar of estate agents;

(2) For the purposes of this Act, “director” means —

- (a) in relation to a body corporate the affairs of which are managed by a board of directors or similar body, a member of that board or similar body;
- (b) in relation to a body corporate the affairs of which are managed by a single director or similar person, that director or person;
- (c) in relation to a body corporate the affairs of which are managed by the members themselves, a member of the body corporate,

and includes any person in accordance with whose directions or instructions the directors of a body corporate, defined in accordance with the preceding provisions of this subsection, are accustomed to act; but a person shall not, within the meaning of this subsection, be deemed to be a person in accordance with whose directions or instructions the directors of a body corporate are accustomed to act by reason only that those directors act on advice given by him in any professional capacity.

51(36) Price Marking Act 1976

1 Price marking

[P1974/24/4]

- (1) The Isle of Man Office of Fair Trading (in this Act referred to as **“the Board”** **“OFT”**) may by order make provision for securing that prices are indicated on, or in relation to goods offered or exposed for sale by retail, being goods of a description to which the order applies.
- (2) Without prejudice to the generality of subsection (1) above, an order under this section may —
 - (a) make provision as to the manner in which any price is to be indicated;
 - (b) require that the price to be indicated on, or in relation to, any goods shall be, or shall include, a price expressed by reference to such unit or units of measurement or number as may be specified in the order;
 - (c) in relation to goods subject to Value Added Tax, make provision as to the circumstances in which the price to be indicated may or may not be exclusive of the tax and as to the indication to be given of the tax included in, or payable in addition to, the price;
 - (d) make different provisions in relation to different circumstances and may contain such supplementary provisions as ~~the Board~~ **the OFT** thinks necessary or expedient.

- (3) Before making an order under subsection (1) above, ~~the Board~~ **the OFT** shall consult with such organisations representative of interests which will be substantially affected by the order as appear to it to be appropriate.
- (4) No order under this section shall have effect until it has been approved by Tynwald.

Consultation copy – for reference purposes only

51(37) Coinage Offences Act 1980

1 Counterfeiting

[P1936/16/1]

- (1) ~~Every person who falsely makes or counterfeits any coin resembling any current coin shall be guilty of an offence and shall be liable, on conviction on information —~~

~~(a) — in a case where the coin resembles a current platinum, gold, silver or cupro nickel coin, to imprisonment for life; and~~

~~(b) — in a case where the coin resembles a current bronze coin, to imprisonment for a term not exceeding 7 years.~~

- (1) A person commits an offence if he or she falsely makes or counterfeits any coin resembling a current coin.

Maximum penalty, -

(a) (on information) 10 years' custody and a fine;

(b) (summary) 12 months' custody and a level 5 fine.

- (2) The offence of falsely making or counterfeiting a coin shall be deemed to be complete although the coin made or counterfeited is not in a fit state to be uttered or the making or counterfeiting thereof has not been finished or perfected.

2 Gilding, silvering, filing and altering

[P1936/16/2]

~~Every person who~~ A person commits an offence if he or she, —

- (a) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of ~~platinum, gold, silver or cupro nickel~~ **platinum, gold, silver or any other metal of which any current coin is made** or by any means whatsoever, washes, cases over or colours —

(i) any coin whatsoever resembling any current ~~platinum, gold, silver or cupro nickel~~ coin; or

(ii) any current bronze coin, with intent to make it resemble or pass for any current platinum, gold, silver or cupro nickel coin, or

~~(iii) — any piece of silver or bronze or of coarse platinum, gold, silver, or of any metal or mixture of metals, being of a fit size and figure to be coined, with intent that it shall be coined into false and counterfeit coin resembling any current platinum, gold, silver or cupro nickel coin; or~~

(iii) any piece of metal or mixture of metals, being of a fit size and figure to be coined, with the intention that it shall be coined into counterfeit coin resembling any current coin;

- (b) gilds, or, with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever, washes, cases over or colours, any current ~~silver or cupro-nickel~~ coin with intent to make it resemble or pass for ~~any current platinum or gold coin~~ **any other current coin**; or

~~(c) files or in any manner alters —~~

~~(i) any current silver or cupro-nickel coin with intent to make it resemble or pass for any current platinum or gold coin; or~~

~~(ii) any current bronze coin with intent to make it resemble or pass for any current platinum, gold, silver or cupro-nickel coin,~~

- (c) files or in any manner alters any current coin with intent to make it resemble or pass for any other current coin.**

~~shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for life.~~

Maximum penalty, -

- (a) (on information) 10 years' custody and a fine;**
(b) (summary) 12 months' custody and a fine of level 5.

~~3 Impairing platinum, gold, silver, cupro-nickel or bronze coin and unlawful possession of filings, etc~~

~~[P1936/16/3]~~

- ~~(1) Every person who impairs, diminishes or lightens any current platinum, gold, silver or cupro-nickel coin with intent that the coin so impaired, diminished or lightened may pass for a current platinum, gold, silver or cupro-nickel coin shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for a term not exceeding 14 years.~~
- ~~(2) Every person who unlawfully has in his possession any filing or clipping, or any platinum, gold, silver, cupro-nickel or bronze bullion or any platinum, gold, silver, cupro-nickel or bronze in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current platinum, gold, silver, cupro-nickel or bronze coin, knowing that it has been so produced or obtained, shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for a term not exceeding 7 years.~~

3 Impairing current coin and unlawful possession of filings etc

- (1) A person commits an offence if he or she impairs, diminishes or lightens any current coin with intent that the coin so impaired, diminished or lightened may pass for any other current coin.**

Maximum penalty, -

- (a) (on information) 10 years' custody and a fine;**
(b) (summary) 12 months' custody and a fine of level 5.

- (2) A person commits an offence if he or she has in his or her possession and filing or clipping, or any bullion or metal from which current coins are made, whether in the form of dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current coin, knowing that it has been so produced or obtained.

Maximum penalty, -

- (a) (on information) 7 years' custody or a fine;
(b) (summary) 12 months' custody or a level 5 fine.

4 Defacing and uttering defaced coins

[P1936/16/4 (1)-(3)]

- (1) ~~Every person who~~ A person commits an offence if he or she defaces any current coin by stamping thereon any names or words, whether the coin is or is not thereby diminished or lightened, ~~shall be guilty of an offence and shall be liable —~~
- (a) ~~on conviction on information, to imprisonment for a term not exceeding 1 year;~~
- (b) ~~on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or to both~~

Maximum penalty (summary) 12 months' custody and a fine.

- (2) [Repealed]
- (3) ~~Every person who tenders, utters or puts off any coin which has been defaced as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale, but no proceedings shall be instituted under this subsection except by or with the consent of the Attorney General.~~
- (3) A person commits an offence if he or she tenders, utters or passes any coin which has been defaced as mentioned in subsection (1).
- Maximum penalty (summary) – level 1 fine.
- (4) Proceedings for an offence under subsection (3) may be instituted only with the consent of the Attorney General.

5 Uttering and possession with intent to utter

[P1936/16/5]

- (1) ~~Every person who~~ A person commits an offence if he or she tenders, utters or puts off any false or counterfeit coin resembling any current coin knowing it to be false or counterfeit ~~shall be guilty of an offence and shall be liable —~~
- (a) ~~on conviction on information, to imprisonment for a term not exceeding 1 year;~~
- (b) ~~on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or to both.~~

false or counterfeit.

Maximum penalty, -

- (a) (on information) – 5 years' custody and a fine.
- (b) summary – 12 months' custody and a level 5 fine.

- (2) ~~Every person who tenders, utters or puts off any false or counterfeit coin resembling any current platinum, gold, silver or cupro-nickel coin, knowing it to be false or counterfeit, and—~~
 - ~~(a)—at the time of the tendering, uttering or putting off has in his possession, besides that coin, any other such false or counterfeit coin; or~~
 - ~~(b)—on the day of the tendering, uttering or putting off, or within the period of 10 days next following, tenders, utters or puts off any other such false or counterfeit coin, knowing it to be false or counterfeit,~~

~~shall be guilty of an offence and shall be liable—~~

 - ~~(a)—on conviction on information, to imprisonment for a term not exceeding 2 years;~~
 - ~~(b)—on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale; or to both.~~
- (3) ~~Every person who has in his possession 3 or more false or counterfeit coins resembling any current platinum, gold, silver or cupro-nickel coin, knowing them to be false or counterfeit and with intent to utter or put off the said coins or any of them, shall be guilty of an offence and shall be liable—~~
 - ~~(a)—on conviction on information, to imprisonment for a term not exceeding 5 years;~~
 - ~~(b)—on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or to both.~~
- (4) ~~Every person who has in his possession 3 or more false or counterfeit coins resembling any current bronze coin, knowing them to be false or counterfeit and with intent to utter or put off the said coins or any of them, shall be guilty of an offence and shall be liable, on conviction on information—~~
 - ~~(a)—to imprisonment for a term not exceeding 1 year;~~
 - ~~(b)—on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or to both.~~
- (5) ~~Every person who commits—~~
 - ~~(a)—any offence under subsection (1) in respect of a coin resembling a current platinum, gold, silver or cupro-nickel coin; or~~
 - ~~(b)—any offence under subsection (2) or (3),~~

~~having been previously convicted of—~~

 - ~~(i)—any such offence; or~~
 - ~~(ii)—any offence under section 1(1), 2, 3, 6(1), 7(1) (in relation to importing or receiving) or 9; or~~

~~(iii) — any offence under section 288, 289, 290, 291, 292, 293, 295, 296, 297, 300 or 309 of the Criminal Code 1872,~~

~~shall be liable, on conviction on information, to imprisonment for life.~~

- (6) ~~Every person who, with intent to defraud, tenders, utters or puts off as or for any current platinum, gold, silver or cupro-nickel coin —~~
- ~~(a) — any coin not being that current coin and being of less value than that current coin; or~~
- ~~(b) — any medal or piece of metal or mixed metal resembling in size, figure and colour that current coin and being of less value than that current coin;~~
- ~~shall be guilty of an offence and shall be liable —~~
- ~~(a) — on conviction on information, to imprisonment for a term not exceeding 1 year;~~
- ~~(b) — on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or to both.~~
- (7) The offence of tendering, uttering or putting off a false or counterfeit coin shall be deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

6 **Buying or selling, etc counterfeit coin for lower value than its denomination**

[P1936/16/6]

- (1) ~~Every person who~~ **A person commits an offence if he or she**, without lawful authority or excuse (the proof whereof shall lie on the person accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin resembling any current coin at or for a lower rate or value than the false or counterfeit coin imports or apparently is intended to import, ~~shall be guilty of an offence and shall be liable, on conviction on information —~~
- ~~(a) — in a case where the coin resembles a current platinum, gold, silver or cupro-nickel coin, to imprisonment for life;~~
- ~~(b) — in a case where the coin resembles a current bronze coin, to imprisonment for a term not exceeding 7 years.~~

Maximum penalty, -

- (a) (on information) – 10 years' custody and a fine;**
- (b) (summary) – 12 months' custody and a level 5 fine.**
- (2) In any information for any offence under this section in respect of a coin resembling a current ~~platinum, gold, silver or cupro-nickel~~ coin, it shall be sufficient to allege that the person accused bought, sold, received, paid or put off the coin, or offered to buy, sell, receive, pay or put off the coin, at or for a lower rate or value than it imports or was apparently intended to import, without alleging at or for what rate, price or value it was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

- (3) An offence under this section shall be deemed to be complete although the coin bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off, is not in a fit state to be uttered, or the counterfeiting thereof has not been finished or perfected.

7 Importing and exporting, etc counterfeit coin

[P1936/16/7]

- (1) ~~Every person who~~ **A person commits an offence if he or she**, without lawful authority or excuse (the proof whereof shall lie on the person accused) —
- (a) imports or receives into the Island any false or counterfeit coin resembling any current ~~platinum, gold, silver or cupro-nickel~~ coin, knowing it be false or counterfeit; or
- (b) exports or removes from the Island, or puts on board any ship, vessel, boat or aircraft for the purpose of being so exported or removed, any false or counterfeit coin resembling any current coin, knowing it to be false or counterfeit,

~~shall be guilty of an offence and shall be liable —~~

- (a) ~~on conviction on information to imprisonment for a term not exceeding 14 years;~~
- (b) ~~on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale or to both.~~

Maximum penalty, -

- (a) **(on information) – 10 years’ custody and a fine;**
- (b) **(summary) – 12 months’ custody and a level 5 fine.**

- (2) Nothing in this section shall affect any statutory provision relating to the importation or receiving into the Island of coin and imitation coin.

8 Making, possessing and selling medals resembling ~~platinum, gold, silver or cupro-nickel coin~~ **current coin**

[P1936/16/8]

~~Every person who~~ **A person commits an offence if he or she**, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes, sells, offers for sale or has in ~~his possession~~ **his or her possession** for sale, any medal, cast, coin or other like thing made wholly or partially of metal or any mixture of metals, and either —

- (a) resembling in size, figure and colour any current ~~platinum, gold, silver or cupro-nickel~~ coin; or
- (b) having thereon a device resembling a device on any such current coin; or
- (c) being so formed that it can, by gilding, silvering, colouring, washing or other like process be so dealt with as to resemble any such current coin,

~~shall be guilty of an offence and shall be liable —~~

- (i) ~~on conviction on information, to imprisonment for a term not exceeding 1 year;~~
- (ii) ~~on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale, or to both~~

Maximum penalty (summary) – 12 months' custody and a level 5 fine.

9 Making, mending and having possession of coining implements

[P1936/16/9]

- (1) ~~Every person who~~ A person commits an offence if he or she, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in ~~his possession~~ his or her possession, any puncheon, counter-puncheon, matrix, stamp, die, pattern or mould in or upon which there is made or impressed, or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current ~~platinum, gold, silver or cupro-nickel~~ coin, or any part of both or either of those sides, ~~shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for life.~~

Maximum penalty, -

- (a) (on information) – 10 years' custody and a fine.
 - (b) (summary) – 12 months custody and a level 5 fine.
- (2) ~~Every person who~~ A person who commits an offence if he or she, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in ~~his possession~~ his or her possession –
 - (a) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current ~~platinum, gold, silver or cupro-nickel~~ coin-coin, knowing it to be so adapted and intended as aforesaid; or
 - (b) any press for coinage, or any cutting engine for cutting by force of a screw or other contrivance round or polygonal blanks out of ~~platinum, gold, silver, cupro-nickel or other metal~~ any metal or mixture of metals, or any other machine, knowing the press to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current ~~platinum, gold, silver or cupro-nickel~~ coin-coin,

~~shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for life.~~

Maximum penalty, -

- (a) (on information) – 10 years' custody and a fine;
- (b) (summary) – 12 months custody and a level 5 fine.

- (3) ~~Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any instrument, tool or engine adapted and intended for the counterfeiting of any current bronze coin shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for a term not exceeding 7 years.~~

10 Provisions as to arrest, discovery and seizure

[P1936/16/11]

- (1) Any person found committing an offence against this Act, other than an offence against section 8, may be immediately apprehended without a warrant by any person and forthwith taken before a justice of the peace to be dealt with according to law.
- (2) If any person finds in any place whatsoever, or in the possession of any person without lawful authority or excuse —
- (a) any false or counterfeit coin resembling any current coin (in this section referred to as a “counterfeit coin”); or
 - (b) any instrument, tool or engine whatsoever adapted and intended for the counterfeiting of any such coin (in this section referred to as a “counterfeiting instrument”); or
 - (c) ~~any filings or clippings, or any platinum, gold, silver, cupro-nickel or bronze bullion, or any platinum, gold, silver, cupro-nickel or bronze in dust solution or otherwise~~ **clippings, or any metal or alloy of which any current coin is made, whether in the form of bullion, dust, solution or otherwise,** which have been produced or obtained by diminishing or lightening any current platinum, gold, silver, or cupro-nickel or bronze coin (in this section referred to as “counterfeiting material”),
- ~~he~~ **he or she** shall seize the counterfeit coin or counterfeiting instrument or material and carry it forthwith before a justice of the peace.
- (3) Where it is made to appear by information on oath before any justice of the peace that there is reasonable cause to suspect that any person has been concerned in counterfeiting any current coin, or has in ~~his possession~~ **his or her possession** any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this section referred to as a “counterfeiting machine”) or any counterfeiting material, it shall be lawful for any justice of the peace, by warrant under ~~his hand~~ **his or her hand** —
- (a) to cause any place whatsoever belonging to or in the occupation or under the control of that person to be searched, either in the day or in the night; and
 - (b) to cause to be seized and carried forthwith before a justice of the peace any counterfeit coin or counterfeiting instrument, machine or material found in any place so searched.

- (4) Where any counterfeit coin or counterfeiting instrument, machine or material is seized and carried before a justice of the peace, ~~he~~ **he or she** shall, if necessary, cause it to be secured for the purpose of being produced in evidence in a prosecution for an offence against this Act.
- (5) Any counterfeit coin or counterfeiting instrument, machine or material seized under this section shall, if it is not required to be produced in evidence or, if it is so required, after it has been so produced, be delivered up forthwith ~~to the Treasurer or to any person authorised by him to receive it~~ **to the Treasury or a person authorised by the Treasury to receive it.**

11 Evidence of coin being counterfeit

[P1936/16/13]

Where a person is charged with an offence against this Act, the fact that a coin produced in evidence against ~~him~~ **him or her** is false or counterfeit may be proved by the evidence of any credible witness, and it shall not be necessary to prove that fact by the evidence of an officer of Her Majesty's Mint or an official of any other Mint.

12 Breaking of coin suspected to be counterfeit

[P1936/16/14]

- (1) If any person suspects any coin tendered to ~~him~~ **him or her** as current ~~platinum, gold, silver or cupro-nickel~~ coin to have been diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for ~~him~~ **him or her** to break the coin.
- (2) If any coin when so broken appears to have been diminished otherwise than as aforesaid, or to be counterfeit, the person tendering it shall bear the loss thereof, but if it is of due weight and appears to be lawful coin, the person breaking it shall receive it at the rate it was coined for.
- (3) If any dispute arises whether any coin so broken has been diminished otherwise than as aforesaid, or is counterfeit, it shall be heard and finally determined in a summary manner by the High Bailiff.
- (4) In this section, references to breaking shall include references to cutting, bending and defacing.

13 Interpretation

[P1936/16/17]

For the purposes of this Act —

- (a) ~~“bronze”, in relation to bullion, coin or dust, includes bullion, coin or dust of any metal or mixed metal not being platinum, gold, silver or cupro-nickel;~~
- (b) a coin shall be deemed to be current if it has been coined in any Mint approved by the Treasury or in any of ~~Her Majesty's~~ **His Majesty's** Mints, or is lawfully current, by virtue of any Proclamation or otherwise,

in any part of ~~Her Majesty's~~ **His Majesty's** dominions. whether within the Island or otherwise, or is lawfully current in any foreign country;

- (c) a coin apparently intended to resemble or pass for any current coin shall be deemed to resemble that current coin;
- (d) a current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin ~~resembling a current platinum, gold, silver or cupro-nickel coin;~~
- (e) a thing shall be deemed to be in the possession of any person if he himself has it in his personal custody or possession, and also if he knowingly and wilfully has it in the actual custody or possession of some other person, or in some building or place (whether belonging to or occupied by himself or not), and whether he has it for his own use or benefit or for that of any other person;
- (f) gold coinage issued by the Treasury under the Gold Coinage Act 1965 **or the Currency Act 1992** shall be treated as current gold coin.

51(38) Criminal Damage Act 1981

4 Punishment of offences

[P1971/48/4]

- (1) A person guilty of arson under section 1(1) or of an offence under section 1(2) (whether arson or not) shall, on conviction on information, be liable to ~~imprisonment~~ **custody** for life.
- (2) ~~A person guilty of any other offence under this Act shall, on conviction on information, be liable to imprisonment for a term not exceeding ten years.~~
- (2) **A person guilty of any other offence under this Act is liable, -**
 - (a) **on conviction on information, to custody for a term not exceeding 10 years and a fine; or**
 - (b) **on summary conviction, to 12 months' custody and a fine not exceeding level 5.**

51(39) Criminal Law Act 1981

7 Penalties for assisting offenders

[P1967/58/4(1) to (4)]

- (1) Where a person has committed an offence, any other person who, knowing or believing him to be guilty of the offence or of some other offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution shall be guilty of an offence.

Maximum penalty –

- (a) (on information) – 10 years custody;
- (b) (summary) – 12 months custody and a fine of level 5.

(1A) [Repealed]

(2) [Repealed]

(3) ~~A person committing an offence under subsection (1) with intent to impede another person's apprehension or prosecution shall, on conviction on information, be liable to imprisonment, according to the gravity of the other person's offence as follows —~~

- ~~(a) if that offence is one for which the sentence is fixed by law, he shall be liable to imprisonment for not more than ten years;~~
- ~~(b) if it is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years;~~
- ~~(c) if it is not one included above but is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years;~~
- ~~(d) in any other case, he shall be liable to imprisonment for not more than three years.~~
- (4) No proceedings shall be instituted for an offence under subsection (1) except by or with the consent of the Attorney General, but this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for such an offence, or the remand in custody or on bail of a person charged with such an offence.

8 Penalties for concealing offences or giving false information

[P1967/58/5(1) to (3) and (5)]

- (1) Where a person has committed an offence, any other person who, knowing or believing that the offence or some other offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, ~~shall be liable on conviction on information to imprisonment for not more than two years~~ **commits an offence.**

Maximum penalty, -

- (a) (on information) 2 years' custody;
- (b) summary 12 months' custody and a fine of level 5.
- (2) Where a person causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry, he shall be liable on summary conviction to imprisonment for not more

than six months or to a fine of not more than level 5 on the standard scale, or to both.

- (3) No proceedings shall be instituted for an offence under this section except by or with the consent of the Attorney General.
- (4) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

20 — Extension of costs

- (1) ~~Sections 50 and 52 of the *Criminal Jurisdiction Act 1993* and section 29 of the *Summary Jurisdiction Act 1989* (which relate to awards of costs out of public funds) apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as they apply in relation to a person called to give evidence at the instance of the court.~~
- ~~(1A) The said section 29 applies even though the proceedings for the purposes of which the report is made are not proceedings falling within subsection (1), (2) or (2A) of that section.~~
- (2) Subsection (1) applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court
 - ~~(a) for the purpose of determining whether or not to make an order under section 3 of the *Criminal Justice Act 1963* (probation orders requiring treatment for mental condition) or section 54 of the *Criminal Jurisdiction Act 1993* or paragraph 2 of Schedule 2A to the *Summary Jurisdiction Act 1989* (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with the offender; or~~
 - ~~(b) in exercise of the powers conferred by section 24 of the said Act of 1993 (remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).~~
- (3) ~~Section 29 of the *Summary Jurisdiction Act 1989* shall apply to a person properly attending at the instance of the court to give evidence as it applies to a person called to give evidence at the instance of the court.~~

31 Saving

Nothing in this Act shall affect Her Majesty's **His Majesty's** royal prerogative of mercy.

Schedule 6

COMPENSATION ORDERS

Section 21

PART I – COMPENSATION ORDERS AGAINST CONVICTED PERSONS

[P1973/62/35]

1. Subject to the provisions of this Schedule, a court by or before which a person is convicted of an offence, ~~in addition to dealing with him in any other way~~ **whether or not in addition to dealing with him in any other way**, may, on application or otherwise, make an order (in this Act referred to as a “compensation order”) requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.

51(40) Theft Act 1981

29A Summary trial of offences under this Act

An offence under this Act which is triable on information may be tried summarily, and where it is so tried the maximum penalty (summary) is 12 months’ custody and a fine of level 5, but subject to, -

- (a) section 1A of the *Summary Jurisdiction Act 1989* (powers of the High Bailiff to impose higher penalties where they are available to a Court of General Gaol Delivery); and
- (b) section 17 of that Act (power to commit the offender to a Court of General Gaol Delivery for sentence).

51(41) Non-Resident Traders Act 1983

Schedule 1A

ENFORCEMENT

Section 6A

PART I – ENFORCEMENT POWERS ETC.

Enforcement by injunction

1. If it appears to the Board in any particular case —
- (a) that an offence under this Act has been committed by any person; and
 - (b) that criminal proceedings for the offence are unlikely to discourage ~~him~~ **him or her** from committing further offences under this Act,

the Board may, with the consent of the Attorney General, apply to the High Court for an injunction restraining that person from doing such acts (being acts constituting an offence under this Act) as are specified in the application.

(2) On an application under this section the Court may make such order, and grant such further relief, as appears to it to be just and equitable in all the circumstances of the case.

Disclosure of information

2. (1) Subject to sub-paragraph (2), any person who discloses any information which was obtained by the Board, an authorised officer or any other person in consequence of the exercise by any person of any power conferred by this Schedule, shall be guilty of an offence.

(2) Sub-paragraph (1) does not apply to a disclosure of information if —

- (a) the information has been disclosed in any civil or criminal proceedings, or
- (b) the disclosure is made for the purpose of facilitating the exercise of any function of the Board, the Treasury or the Isle of Man Financial Services Authority under any enactment (including this Act), or
- (c) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings.

(3) A person committing an offence under this paragraph is liable on summary conviction to ~~imprisonment~~ custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

Power to enter

3. (1) Subject to the following provisions of this Schedule, an authorised officer may at any reasonable hour and on production, if required, of ~~his credentials~~ his or her credentials exercise any of the powers conferred by the following provisions of this paragraph.

(2) The officer may, for the purpose of ascertaining whether there has been any contravention of any provision of this Act, or of regulations under this Act, enter any premises other than premises occupied only as a person's residence.

(3) If the officer has reasonable grounds for suspecting that there has been any such contravention, ~~he may~~ the officer may —

- (a) for the purpose of ascertaining whether there has been any such contravention, require any person carrying on a business, or employed in connection with a business, to produce any records relating to the business;
- (b) take copies of, or of any entry in, any records so produced.

(4) The officer may seize and detain any records which ~~he has~~ the officer has reasonable grounds for believing may be required as evidence in proceedings for an offence in respect of any such contravention, but shall inform the person from whom they are seized that the records have been so seized.

Search warrants

4. (1) If the High Bailiff is satisfied by written information on oath that there are reasonable grounds for believing that any records which an authorised officer has power to inspect under paragraph 3 are on any premises and that their inspection is likely to disclose evidence that there has been a contravention of any provision of this Act, or of regulations under this Act, and that —

- (a) admission to the premises has been or is likely to be refused and notice of intention to apply for a warrant under this paragraph has been given to the occupier, or
- (b) an application for admission, or the giving of such a notice would defeat the object of the entry, or
- (c) the premises are unoccupied, or
- (d) the occupier is temporarily absent and it might defeat the object of the entry to await his return,

the High Bailiff may by warrant under ~~his hand~~ **his or her hand** authorise any authorised officer to enter the premises, if need be by force.

- (2) A warrant under this paragraph shall continue in force for a period of 7 days.

Supplemental provisions

5. (1) An officer entering any premises by virtue of paragraph 3 or a warrant under paragraph 4 may ~~take with him such other persons as may appear to him to be necessary~~ **be accompanied by such persons as appear to the officer to be necessary.**

(2) On leaving any premises which a person is authorised to enter by paragraph 3 or a warrant under paragraph 4, that person shall, if the premises are unoccupied or the occupier is absent, leave the premises as effectively secured against trespassers ~~as he found them~~ **as the person so authorised found them.**

Obstruction

- 6. (1) Any person who —
 - (a) intentionally obstructs an authorised officer who is acting in pursuance of this Schedule, or
 - (b) intentionally fails to comply with any requirement made of ~~him~~ **that person** by an authorised officer under paragraph 3(3), or
 - (c) without reasonable cause fails to give any authorised officer who is so acting any other assistance or information which the officer may reasonably require of ~~him~~ **that person** for the purposes of the exercise of the officer's functions under this Schedule,

~~shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.~~

is guilty of an offence.

Maximum penalty (summary) –level 5 fine.

(2) Any person who, in giving any information which is required of ~~him~~ **him or her** by virtue of sub-paragraph (1)(c) —

- (a) makes any statement which ~~he~~ **him or her** knows is false in a material particular, or

(b) recklessly makes a statement which is false in a material particular,
~~shall be guilty of an offence and liable on conviction on information to a fine, or on summary conviction to a fine not exceeding level 5 on the standard scale.~~

is guilty of an offence.

Maximum penalty (summary) a fine.

51(42) Weights and Measures Act 1989

61 Penalties

[P1985/72/84; 1971/36/49; 1978/10/3]

- (1) A person guilty of an offence under any of the following provisions of this Act —
- section 5(4);
 - section 6(4);
 - section 7(2);
 - section 8(3);
 - section 8(14);
 - section 9(3);
 - section 9(5);
 - section 12(3);
 - section 14(2);
 - section 14(4);
 - section 14(7);
 - section 14(8),
- shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person guilty of an offence under section 11(3), 14(3)(b) or 43(2), (3) or (4) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.
- (3) A person guilty of an offence under section 47(1) or 56(6) shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale and, on conviction on information, to imprisonment for a term not exceeding 2 years or to a fine or to both **shall be liable, on summary conviction to 2 years' custody and a fine.**
- (4) A person guilty of an offence under any provision of this Act other than those mentioned in subsections (1) to (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

51(43) Consumer Protection Act 1991

29 Obstruction of officer of OFT

[P1987/43/32]

- (1) Any person who —
- (a) intentionally obstructs any officer of OFT who is acting in pursuance of any provision of this Part or any customs officer who is so acting; or
 - (b) intentionally fails to comply with any requirement made of him by any officer of OFT under any provision of this Part; or
 - (c) without reasonable cause fails to give any officer of OFT who is so acting any other assistance or information which the officer may reasonably require of him for the purposes of the exercise of the officer's functions under any provision of this Part,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (2) A person shall be guilty of an offence if, in giving any information which is required of him by virtue of subsection (1)(c) —
- (a) he makes any statement which he knows is false in a material particular; or
 - (b) he recklessly makes a statement which is false in a material particular.

Maximum penalty (summary) – a fine.

- (3) ~~A person guilty of an offence under subsection (2) shall be liable —~~
- ~~(a) on conviction on information, to a fine;~~
 - ~~(b) on summary conviction, to a fine not exceeding level 5 on the standard scale.~~

~~46A Offence to enter into certain contracts~~

- (1) ~~A person commits an offence if, as a trader, he or she enters into a relevant contract.~~
- (2) ~~A person guilty of an offence under subsection (1) is liable —~~
- ~~(a) on conviction on information, to custody for not more than 2 years, a fine or both;~~
 - ~~(b) on summary conviction, to custody for a term not exceeding 6 months, a fine not exceeding £10,000, or both.~~

46A Offence to enter into certain contracts

A person commits an offence if, as a trader, he or she enters into a relevant contract.

Maximum penalty (summary) – 2 years' custody and a fine.

47A Failure to provide notice of cancellation rights

[SI87/2117/4A, 4D; SI98/3050/2]

- (1) A trader is guilty of an offence if he enters into a relevant contract with a consumer but fails to deliver to the consumer the notice in writing referred to in section 47(1) in accordance with subsection (2).

Maximum penalty (summary) 2 years' custody and a fine.

- (2) A notice is delivered in accordance with this subsection if it —
- (a) contains what is required by section 47(1); and
 - (b) complies with the requirements of section 47(2).
 - (c) [Repealed]
- (3) ~~A person guilty of an offence under subsection (1) is liable —~~
- ~~(a) on conviction on indictment to custody for a term not exceeding 2 years, a fine or both;~~
 - ~~(b) on summary conviction, to custody for a term not exceeding 6 months, a fine not exceeding £10,000 or both.~~
- (4) [Repealed]

51(45) Moneylenders Act 1991

1 Registration of money lenders

- (1) The Isle of Man Office of Fair Trading shall maintain a register of persons carrying on the business of lending money.
- (2) The register shall be maintained at the principal office of the Board, and shall be open to inspection by any person free of charge during ordinary office hours.
- (3) The register shall contain the following particulars relating to any registered person —
- (a) his full name and address or, in the case of a company, its name, the address of its registered office and the full names and addresses of its controller and directors;
 - (b) his principal place of business in the Island;
 - (c) the full name and address of his resident manager (if any);
 - (d) any name under which he carries on any business (including any business other than that of lending money) in the Island;
 - (e) such other particulars as are required by this Act or are prescribed.
- (4) A person who carries on in the Island a business of lending money without being registered commits an offence unless —
- (a) the person is an exempt person; or
 - (b) the lending is an exempt transaction.

Maximum penalty (summary) – a fine.

- ~~(4A) A person guilty of an offence under subsection (4) is liable —~~
- ~~(a) on conviction on information, to a fine;~~
 - ~~(b) on summary conviction, to a fine not exceeding level 5 on the standard scale.~~
- (5) Where it is shown that a person has at any time in the Island —
- (a) lent money or agreed to lend money in consideration of any benefit, or
 - (b) negotiated with a view to lending money in consideration of any benefit, or
 - (c) published any advertisement indicating that he is prepared to lend money or to negotiate with a view to lending money,
- it shall be presumed for the purposes of this section, unless the contrary is shown, that at that time he was carrying on in the Island a business of lending money.
- (6) In subsection (4)(b), “exempt transaction” means a money lending transaction of a prescribed description.

16 Disclosure of information

- (1) Subject to subsection (2), any person who discloses any information which was —
- (a) supplied to the Board under section 2(2) (including that provision as applied by section 3(3)), or
 - (b) obtained by the Board in consequence of the exercise by any person of any power conferred by Schedule 2,
- shall be guilty of an offence.

Maximum penalty (summary) 2 years’ custody and a fine.

- (2) Subsection (1) does not apply to a disclosure of information if —
- (a) the information has been disclosed in any civil or criminal proceedings, or
 - (b) the disclosure is made for the purpose of facilitating the exercise of any function of the Board, the Treasury or the Isle of Man Financial Services Authority under any enactment (including this Act), or in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings.
- ~~(3) A person committing an offence under this section is liable —~~
- ~~(a) on conviction on information to imprisonment for a term not exceeding 2 years or to a fine, or to both, or~~
 - ~~(b) on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale or to both.~~

51(46) Post Office Act 1993

14 Prohibition on sending certain articles

[1973/12/8; P1953/36/11]

- (1) A person shall not send or attempt to send or procure to be sent a postal packet which —
 - (a) save as the Post Office may either generally or in any particular case allow, encloses any explosive, dangerous, noxious or deleterious substance, any filth, any sharp instrument not properly protected, any noxious living creature, or any creature, article or thing whatsoever which is likely to injure either other postal packets in course of conveyance or any person engaged in the business of the Post Office; or
 - (b) encloses any indecent or obscene print, painting, photograph, lithograph, engraving, cinematograph film, videotape, book, card or written communication, or any indecent or obscene article whether similar to the above or not; or
 - (c) has on the packet, or on the cover thereof any words, marks or designs which are grossly offensive or of an indecent or obscene character.
- (2) Any person who contravenes subsection (1) is guilty of an offence ~~and liable —~~
 - ~~(a) on summary conviction to a fine not exceeding level 5 on the standard scale, or~~
 - ~~(b) on conviction on information to imprisonment for a term not exceeding 12 months.~~

Maximum penalty – (summary) 12 months’ custody and a level 5 fine.
- (3) The detention by the Post Office of any postal packet on the grounds of a contravention of this section or of any provisions of a scheme under section 13 shall not exempt the sender from any proceedings which might have been taken if the packet had been delivered in due course of post.

23 Fraudulent issue of money or postal order

[1973/12/17; P1953/36/22]

- (1) If any person engaged in the business of the Post Office grants or issues any money or postal order with a fraudulent intent, he shall be guilty of an offence and liable on conviction on information to ~~imprisonment~~ custody for a term not exceeding 7 years.
- (2) If any person engaged in the business of the Post Office re-issues a money or postal order previously paid, he shall be deemed to have issued the order with a fraudulent intent for the purposes of this section.

24 Forgery etc of money or postal order

[1973/12/18; P1953/36/23]

- (1) A money or postal order shall be deemed to be an order for the payment of money and a valuable security within the meaning of the *Forgery Act 1952*.
- (2) If any person —
 - (a) with intent to defraud obliterates, adds to or alters any such lines or words on a money or postal order as would, in the case of a cheque, be a crossing of that cheque, or
 - (b) knowingly offers, utters or disposes of any money or postal order with such fraudulent obliteration, addition or alteration,he is guilty of an offence and liable on conviction on information to ~~imprisonment~~ custody for a term not exceeding 14 years.

33 Taking or opening mailbag

[1973/12/33; P1953/36/53]

~~If any person~~ A person commits an offence if he —

- (a) unlawfully takes away or opens a mail bag sent by any ship, vehicle or aircraft employed by or under the Post Office for the transmission of postal packets under contract, or
- (b) unlawfully takes a postal packet in course of transmission by post out of a mail bag so sent,

~~he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 5 years.~~

Maximum penalty, -

- (a) (on information) – 5 years' custody and a fine;
- (b) (summary) – 12 months' custody and a level 5 fine.

34 Retaining mailbag or packet

[1973/12/35; P1953/36/55]

~~If any person~~ A person commits an offence if he fraudulently retains, or intentionally secretes or keeps, or detains or, when required by a person engaged in the business of the Post Office, neglects or refuses to deliver up —

- (a) any postal packet which is in course of transmission by post and which ought to have been delivered to any other person; or
- (b) any postal packet in course of transmission by post or any mail bag which has been found by any other person,

~~he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 2 years or to a fine, or to both.~~

Maximum penalty (summary) 2 years' custody and a fine.

35 Diverting mail

[1973/12/36; P1953/36/56]

- (1) ~~If any person~~ **A person commits an offence if he** not engaged in the business of the Post Office intentionally, with intent to injure any other person —
- (a) opens or causes to be opened any postal packet which ought to have been delivered to that other person, or
 - (b) does any act or thing whereby the due delivery of the packet to that other person is prevented or impeded,
- ~~he is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both~~
- Maximum penalty (summary) 6 months' custody and a level 5 fine.**
- (2) Nothing in this section applies to a person who does any such act where he is parent, or in the position of parent or guardian, of the person to whom the postal packet is addressed.
- (3) In this section "postal packet" means a postal packet which is in the course of transmission by post or which has been delivered by post.

36 Secreting mail

[1973/12/37; P1953/36/57]

If any person engaged in the business of the Post Office secretes a postal packet in course of transmission by post, ~~he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 7 years~~ **the person is guilty of an offence.**

Maximum penalty, -

- (a) (on information) – 7 years' custody and a fine;
- (b) (summary) – 12 months' custody and level 5 fine.

37 Opening or delaying mail

[1973/12/38; 1988/18/12(2); P1953/36/58]

- (1) ~~If any person engaged in the business of the Post Office~~ **A person engaged in the business of the Post Office commits an offence if,** contrary to his duty —
- (a) opens, or procures or suffers to be opened, any postal packet in course of transmission by post, or
 - (b) intentionally detains or delays or procures or suffers to be detained or delayed any such postal packet,
- ~~he is guilty of an offence and liable on conviction on information to imprisonment for a term not exceeding 2 years or to a fine, or to both.~~

Maximum penalty (summary) 2 years' custody and a fine.

- (2) Nothing in this section applies to the opening, detaining or delaying of a postal packet —
 - (a) returned for want of a true direction, or
 - (b) returned because the person to whom it is directed has refused it, or has refused or neglected to pay the postage thereof, or because it cannot for any other reason be delivered, or
 - (c) under the authority of this Act, or
 - (d) in obedience to a warrant issued under section 2 of the *Interception of Communications Act 1988*.

39 Harming mail in post boxes

[1973/12/40; P1953/36/60]

If any person —

- (a) places or attempts to place in or against any post office letter box any fire, match, light, explosive substance, dangerous substance, filth, noxious or deleterious substance or fluid; or
- (b) commits a nuisance in or against any post office letter box; or
- (c) does or attempts to do anything likely to injure a post office letter box or its appurtenances or contents,

~~he is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or on conviction on indictment to imprisonment for a term not exceeding 12 months~~

the person is guilty of an offence.

Maximum penalty (summary) – 12 months' custody or a level 5 fine.

56 Powers of entry and search

- (1) Where a justice of the peace is satisfied by information on oath given by an officer of the Post Office that there are reasonable grounds for believing —
 - (a) that an offence under this Act is being committed on any premises, or
 - (b) that evidence that such an offence has been committed is in those premises,

he may issue a warrant authorising the officer, accompanied by a constable, to enter and search the premises, using such reasonable force as is necessary.

- (2) A warrant under this section remains in force for 28 days from the date of its issue.
- (3) In executing a warrant under this section an officer of the Post Office may seize any article if he reasonably believes that it is evidence that an offence under this Act has been committed.
- (4) The powers conferred by this section do not extend to authorising a search for, or the seizure of, items subject to legal privilege.

- (5) If a person intentionally obstructs another person in the exercise of a power conferred on the other person by this section, he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) If a person who has entered on any land in pursuance of this section discloses to another person information obtained by him there about a manufacturing process or trade secret, then, unless the disclosure is made in the course of performing his duty in connection with the purpose for which he was authorised to enter on the land, ~~he is guilty of an offence and liable —~~
~~(a) — on summary conviction, to a fine not exceeding level 5 on the standard scale; or~~
~~(b) — on conviction on information, to imprisonment for a term not exceeding 2 years to a fine or both.~~
- the person is guilty of an offence.
- Maximum penalty (summary) 2 years' custody and a fine.
- (7) In this section "items subject to legal privilege" and "premises" have the same meanings as in section 22 of the *Criminal Justice Act 1991*.

51(48) Fair Trading Act 1996

7D Offences – supplemental

[P1973/41/121-123]

- (1) A person guilty of an offence under section 7C ~~is liable —~~
~~(a) — on summary conviction, to a fine not exceeding level 5 on the standard scale or to custody for a term not exceeding 6 months or to both;~~
~~(b) — on conviction on information, to a fine or to custody for a term not exceeding 2 years or to both.~~
- is liable on summary conviction to 2 years' custody and a fine.
- (2) Where a person is charged with an offence under section 7C(1) in respect of an advertisement, it shall be a defence for him to prove that —
- (a) he is a person whose business it is to publish or arrange for the publication of advertisements,
 - (b) he received the advertisement for publication in the ordinary course of business, and
 - (c) he did not know, and had no reason to suspect, that its publication would amount to an offence under section 7C(1).
- (3) Where a person is charged with an offence by virtue of section 7C(6), it shall be a defence for him to prove —
- (a) that the trading scheme to which the charge relates was in operation before the commencement of this Part, and

- (b) that the act constituting the offence was committed without his consent or connivance.
- (4) The following provisions of the *Consumer Protection (Trade Descriptions) Act 1970* apply in relation to the enforcement of regulations under section 7B by OFT as they apply in relation to the enforcement of that Act —
 - section 27 (power to make test purchases);
 - section 28 (power to enter premises and inspect and seize goods and documents);
 - section 29 (obstruction of inspectors);
 - section 30(1) (notice of test); and
 - section 33 (compensation for loss etc. of goods seized).
- (5) Any enactment which authorises the disclosure of information for the purpose of facilitating the enforcement of the said Act of 1970 shall apply as if regulations under section 7B were contained in that Act, and as if the functions of any person in relation to the enforcement of those regulations were functions under that Act.

21 False or misleading information

[P1973/41/93B]

- (1) If a person furnishes any information to the Council of Ministers, OFT or a commission in connection with any of their functions under this Act, and either he knows the information to be false or misleading in a material particular, or he furnishes the information recklessly and it is false or misleading in a material particular, he is guilty of an offence.
- (2) A person who —
 - (a) furnishes any information to another which he knows to be false or misleading in a material particular, or
 - (b) recklessly furnishes any information to another which is false or misleading in a material particular,
 knowing that the information is to be used for the purpose of furnishing information as mentioned in subsection (1), is guilty of an offence.
- (3) ~~A person guilty of an offence under subsection (1) or (2) is liable —~~
 - ~~(a) on summary conviction, to a fine not exceeding level 5 on the standard scale, or~~
 - ~~(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine or to both.~~
- (4) Section 22(1) (time limit for prosecutions) does not apply to an offence under this section.

Maximum penalty (summary) 2 years' custody and a fine.

25 General restrictions on disclosure of information

[P1973/41/133]

- (1) Subject to subsections (2) to (4), no information with respect to any particular business which has been obtained under or by virtue of this Act shall, so long as that business continues to be carried on, be disclosed without the consent of the person for the time being carrying on that business.
- (2) Subsection (1) does not apply to any disclosure of information which is made —
 - (a) for the purpose of facilitating the performance of any functions of the Council of Ministers or any Department or Statutory Board under —
 - (i) this Act,
 - (ii) the *Estate Agents Act 1975*,
 - (iii) the *Communications Act 2021*,
 - (iv) the *Collective Investment Schemes Act 2008*,
 - (v) the Consumer Protection from Unfair Trading Regulations 2019,
 - (vi) [Repealed]
 - (vii) the *Financial Services Act 2008*; or
 - (b) in pursuance of a retained EU obligation; or
 - (c) for the purposes of facilitating the performance of any function of —
 - (i) OFT or the Financial Supervision Commission under the *Payment Services Act 2015*;
 - (ii) a body discharging functions similar to those of OFT or the Financial Supervision Commission under that Act in a country or territory which is for the time being part of the jurisdictional scope of the Single Euro Payment Area; or
 - (iii) the Commission of the European Union under the relevant competition provisions.
- (3) Subsection (1) does not apply to any disclosure of information which is made for the purposes of any proceedings before the High Court or of any other legal proceedings, whether civil or criminal, under this Act or the Consumer Protection from Unfair Trading Regulations 2019.
- (4) Nothing in subsection (1) shall be construed —
 - (a) as limiting the matters which may be included in, or made public as part of, a report under this Act or the *Competition Act 2021*; or
 - (b) as applying to any information which has been made public as part of such a report.
- (5) ~~Any person who discloses any information in contravention of this section is guilty of an offence and liable —~~
 - (a) ~~on summary conviction, to a fine not exceeding level 5 on the standard scale; or~~

~~(b) — on conviction on information, to imprisonment for a term not exceeding 2 years or to a fine or to both.~~

(5) Maximum penalty (summary) 2 years' custody and a fine.

51(49) Timeshare Act 1996

2 Obligation to give notice of certain rights under timeshare agreements

- (1) A person must not in the course of a business enter into a timeshare agreement as offeror unless —
- (a) a notice which complies with subsection (2) and regulations under section 3(3) is printed in the contract document immediately before the purchaser's signature; and
 - (b) the contract document —
 - (i) includes all the terms of the agreement; or
 - (ii) refers to another document setting out those terms which has been given to the purchaser before he signs the contract document;and includes a statement of the effect of a notice under subsection (2) and of the consequences of failure to comply with such notice; and
 - (c) a copy of the contract document which is to be signed by the purchaser is given to the purchaser at the time he signs it; and
 - (d) before the purchaser signs the contract document, he has been given —
 - (i) such information as may be prescribed in such form as may be prescribed; and
 - (ii) copies of such documents as may be prescribed.

Maximum penalty (summary) 2 years' custody and a fine.

- (2) A notice under this section must state —
- (a) that the purchaser is entitled to give notice of cancellation of the agreement at any time before the expiry of the cancellation period; and
 - (b) that if the purchaser gives such a notice before the expiry of the cancellation period he will have the right to recover such sums (if any) as have been paid under or in contemplation of the agreement with the exception of any administration charge specified under sub-paragraph (c); and
 - (c) any amount which will be withheld from the amount which may be recovered as mentioned in paragraph (b) to offset administration costs incurred by the offeror and the stake-holder in the event of cancellation of the agreement in accordance with this Chapter (in this Act referred to as "**the administration charge**"); and

- (d) that any sum paid by the purchaser under or in contemplation of the agreement must —
 - (i) in the case of a cash payment, only be made to the stake-holder specified in accordance with sub-paragraph (e);
 - (ii) in any other case, be made payable only to that stake-holder; and
- (e) the name and address of the stake-holder to whom all sums payable under or in contemplation of the agreement must be paid; and
- (f) that the purchaser has read and understands the effect of the notice.
- (3) ~~A person who contravenes subsection (1) is guilty of an offence and liable —~~
 - ~~(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and~~
 - ~~(b) on conviction on indictment, to a fine.~~
- (4) This section shall not be construed as imposing an obligation to require a payment of any amount under or in contemplation of an agreement before the expiration of the cancellation period.

5 Stake-holder

- (1) A person must not in the course of business enter into a timeshare agreement as offeror unless —
 - (a) the offeror has appointed a company to which this section applies as stake-holder to receive any sums paid by the purchaser under or in contemplation of the agreement; and
 - (b) the offeror and that stake-holder are different persons and are independent of each other.
- (2) A stake-holder who receives any sums paid by a purchaser under or in contemplation of a timeshare agreement shall not pay such sums or any part of them to the offeror, to the order of the offeror, or to any person who is the offeror's agent for the purpose, unless —
 - (a) the cancellation period has expired; and
 - (b) the stake-holder is satisfied that the timeshare rights of the purchaser are legally binding on the offeror; and
 - (c) except as provided in regulations made by the Treasury, the stake-holder is satisfied —
 - (i) that the timeshare accommodation which is the subject of the timeshare agreement is fit for occupation; or
 - (ii) that it will be fit for occupation on the date on which the purchaser is first entitled to exercise his timeshare rights; and
 - (d) such further conditions as may be prescribed have been complied with.
- (3) This section applies to a company —
 - (a) which is incorporated in the Island; and

- (b) which has its principal place of business in the Island; and
 - (c) the company secretary of which is an individual who holds a qualification specified in subsection (4); and
 - (d) which has no interest, whether legal or beneficial, in the timeshare accommodation in respect of which it is to act as stake-holder (other than an interest as such stake-holder or as trustee).
- (4) The individual referred to in subsection (3)(c) must be —
- (a) an individual who is qualified for appointment as the company secretary of a public company under section 19(4) of the *Companies Act 1982*;
 - (b) a fellow or associate member of the Institute of Bankers; or
 - (c) a person holding such other qualification as the Treasury may approve.
- (5) A person who contravenes subsection (1) or (2) is guilty of an offence ~~and liable—~~
- ~~(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and~~
 - ~~(b) on conviction on information, to a fine.~~
- Maximum penalty (summary) 2 years' custody and a fine.
- (6) [Amends section 109 of the *Companies Act 1931* by inserting subsections (3A) and (3B).]

7 **Obligation to give notice of right to cancel timeshare credit agreement**

- (1) A person must not in the course of a business enter into a timeshare credit agreement to which this Chapter applies as creditor unless the document setting out the terms of the agreement or the substance of those terms, includes, immediately before the purchaser's signature, a notice of the rights of the purchaser under this Chapter.
- (2) A notice under this section must state —
- (a) that the creditor will not pay any sum under the timeshare credit agreement to the offeror or any agent of the offeror before the expiry of the cancellation period;
 - (b) that the purchaser is entitled to give notice of cancellation of the agreement at any time before the expiry of the cancellation period; and
 - (c) that if the purchaser gives such a notice before the expiry of the cancellation period, then the purchaser will have no further rights or obligations under the agreement.
- (3) ~~A person who contravenes this section is guilty of an offence and liable—~~
- ~~(a) on summary conviction, to a fine not exceeding level 5 on the standard scale; and~~
 - ~~(b) on conviction on information, to a fine.~~
- (3) Maximum penalty (summary) 2 years' custody and a fine.

12 Application of EU timeshare legislation

- (1) Notwithstanding the provisions of any other statutory provision, the Treasury may by regulations apply to the Island as part of the law of the Island, to such extent and subject to such exceptions, adaptations and modifications as may be specified in the regulations, any EU instrument to which this section applies.
- (2) This section applies to any EU instrument which relates directly or indirectly to timeshare accommodation, timeshare rights, timeshare agreements, or persons who carry on timeshare business or which otherwise relates to timeshare.
- (3) Regulations under this section may include provisions repealing or amending any provision of any enactment (other than this section) which is inconsistent with, or is unnecessary or requires modification in consequence of the regulations or any instrument applied to the Island by the regulations.
- (4) The Treasury shall as soon as practicable after the coming into operation of regulations under this section cause a text to be prepared of the instrument applied by the regulations, incorporating the exceptions, adaptations and modifications specified in the regulations.
- (5) The Treasury shall supply a copy of the text prepared under subsection (4) to any person requesting the same, at such reasonable charge as the Treasury may determine.
- (6) A copy made available for purchase under subsection (5), purporting to have been made under that subsection, shall be admissible in evidence in all the courts in the Island and shall, until the contrary is proved, be evidence of the contents thereof.
- (7) Regulations under subsection (1) may —
 - (a) make such further provision as appears to the Treasury to be necessary for the purpose of implementing any instrument applied to the Island under that subsection; and
 - (b) ~~create new criminal offences punishable with imprisonment for periods not exceeding 2 years on conviction on information or punishable on summary conviction with imprisonment for periods not exceeding 6 months or with a fine not exceeding level 5 on the standard scale~~
Maximum penalty (summary) 2 years' custody and a fine.
- (8) For the purposes of subsection (2), "timeshare business" has the meaning given in paragraph 6 of Schedule 2.

80 Identification of child or young person in media

- (1) Subject to subsection (3), no written report of any proceedings in any court shall be published in the Island, and no report of any such proceedings shall be included in a relevant programme for reception in the Island, which —
- (a) reveals the name, address or school, or
 - (b) includes any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein.
- (2) Subject to subsection (3), no picture shall be published in any newspaper or periodical or included in a relevant programme as being or including a picture of any child or young person so concerned in any such proceedings.
- (3) Subject to subsection (4), a court may in any case by order dispense with the requirements of subsection (1) or (2) to such extent as may be specified in the order.
- (4) A juvenile court shall not exercise the power conferred by subsection (3) unless it is satisfied that it is in the interests of justice to do so.
- (4A) In this section references to publication of a report of matters falling within subsection (1) —
- (a) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public, and for this purpose the following are to be treated as so addressed —
 - (i) every relevant programme; and
 - (ii) every electronic communication, including any comments made by a member of the public, on a website or other social medium and which is capable of being read by a member of the public without being specifically addressed to him or her; but
 - (b) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings.
- (5) If a report or picture is published or included in a relevant programme in contravention of this section, each of the following persons —
- (a) in the case of a publication of a written report as part of, or of a picture in, a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who published it;
 - (c) in the case of the inclusion of a report or picture in a relevant programme, any body corporate which is engaged in providing the service in which

the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper;

is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

- (6) Proceedings for an offence under this section shall not be instituted otherwise than by or with the consent of the Attorney General.
- (7) In this section “relevant programme” means a programme included in a programme service (within the meaning of the *Communications Act 2021*).

81 Findings of guilt etc

- (1) The words “conviction” and “sentence” shall not be used in relation to children and young persons dealt with summarily.
- (2) Any reference in any enactment (whenever passed) to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilty or an order made upon such a finding, as the case may be.
- (3) ~~No conviction or finding of guilty of a child or young person shall be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.~~
- (4) In any proceedings for an offence committed or alleged to have been committed by a person of or over the age of 21 —
 - (a) any offence of which he was found guilty while under the age of 14 shall be disregarded for the purposes of any evidence relating to his previous convictions; and
 - (b) he shall not be asked, and if asked shall not be required to answer, any question relating to such an offence, although the question would otherwise be admissible under section 1 of the *Criminal Evidence Act 1946*.

51(51) Endangered Species Act 2010

7 Export or re-export of specimens

- (5) A person shall not export a specimen except under and in accordance with an export permit issued in relation to the specimen.
- (6) A person shall not re-export a specimen except under and in accordance with a re-export certificate issued under section 16 in relation to the specimen.
- (7) A person who contravenes subsection (1) or (2) in relation to a Class A specimen or a Class B specimen is guilty of an offence ~~and liable—~~
 - (a) ~~on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both;~~

~~(b) on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.~~

Maximum penalty, -

(a) (summary (High Bailiff)) 2 years' custody or a fine;

(b) (summary) 12 months' custody or a level 5 fine.

- (8) A person who contravenes subsection (1) or (2) in relation to a Class C specimen is guilty of an offence and liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.

13 Purchase, sale etc. of Class A or B specimens

- (1) This section applies to —
- (a) any Class A specimen, and
 - (b) any Class B specimen which has been —
 - (i) imported into the Island in contravention of section 5, or
 - (ii) acquired in contravention of this section.
- (2) Subject to subsections (3) to (5) and to regulations under subsection (8), a person who —
- (a) buys,
 - (b) offers to buy,
 - (c) acquires for commercial purposes,
 - (d) displays to the public for commercial purposes,
 - (e) uses for commercial gain,
 - (f) sells,
 - (g) keeps for sale,
 - (h) offers for sale, or
 - (i) transports for sale,

a specimen to which this section applies is guilty of an offence.

Maximum penalty, -

(a) for a Class A specimen —

(i) (summary (High Bailiff)) – 2 years' custody or a fine;

(ii) (summary) 12 months' custody – or a level 5 fine;

(b) for a Class B specimen – (summary) 6 months' custody or a level 5 fine.

- (3) Subsection (2) does not apply to anything authorised by, and done in accordance with the terms of, a permit or certificate.
- (4) In proceedings for an offence under subsection (2) it is a defence for the accused to show that at the time the alleged offence was committed he or she had no reason to

believe that the specimen was a Class A specimen or a Class B specimen, as the case may be.

- (5) In proceedings for an offence under subsection (2) relating to a Class B specimen it is a defence for the accused to show that —
- (a) at the time when the specimen first came into his possession he or she made such enquiries (if any) as in the circumstances were reasonable in order to ascertain whether it was imported or acquired as mentioned in subsection (1)(b); and
 - (b) at the time the alleged offence was committed, he or she had no reason to believe that the specimen was imported or acquired as mentioned in subsection (1)(b).
- (6) ~~A person guilty of an offence under subsection (2) in relation to a Class A specimen is liable —~~
- ~~(a) — on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both;~~
 - ~~(b) — on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.~~
- (7) ~~A person guilty of an offence under subsection (2) in relation to a Class B specimen is liable on summary conviction to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both.~~
- (8) Regulations may provide for —
- (a) further exemptions from subsection (2), and
 - (b) further defences in proceedings for offences under that subsection.

34 Obstruction etc.

- (9) Any person who —
- (a) intentionally obstructs an authorised officer acting in pursuance of this Act;
 - (b) intentionally fails to comply with any requirement properly made of him or her by an authorised officer under section 26(1)(c) or (f) or (2), 27(2)(c) or 28(7)(c);
 - (c) fails without reasonable excuse —
 - (i) to comply with a request by a constable in uniform to stop a vehicle, vessel or aircraft; or
 - (ii) to permit the constable to board the vehicle, vessel or aircraft after such a request is made, or
 - (d) without reasonable cause, fails to give to an authorised officer any other assistance or information which the officer may reasonably require of him or her for the purpose of the performance of the officer's functions under this Act;

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (10) If any person, in giving any such information as is mentioned in subsection (1)(d), makes any statement which he or she knows to be false, that person is guilty of an offence ~~and liable—~~

~~(a) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both;~~

~~(b) on summary conviction, to custody for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale, or to both~~

Maximum penalty, -

(a) (summary (High Bailiff)) – 2 years' custody or a fine;

(b) (summary) – 12 months' custody or a level 5 fine.

- (11) Nothing in this section shall be construed as requiring a person to answer any question or give any information if to do so might incriminate that person or (if that person is married or a civil partner) that person's spouse or civil partner.

82 Offences in relation to documents

- (1) Any person who knowingly or recklessly —
- (a) makes a statement which is false or misleading in any material particular in an application, return or record submitted to the Department under this Act; or
- (b) falsifies or alters any document which is issued by the Department;
- is guilty of an offence.

- (2) Any person who —
- (a) provides to the Department or an authorised officer a document which he or she has falsified or altered or which he or she knows, or ought reasonably to be expected to know, to have been falsified or altered; or
- (b) produces to the Department or an authorised officer a document which purports to be a valid document but which he or she knows, or ought reasonably to be expected to know, is invalid;
- is guilty of an offence.

Maximum penalty for an offence under subsection (1) or (2) –

(a) summary (High Bailiff) – 2 years' custody or a fine;

(b) summary – 12 months' custody or a level 5 fine.

- (3) ~~A person guilty of an offence under subsection (1) or (2) is liable—~~
- ~~(a) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both;~~
- ~~(b) on summary conviction to a fine not exceeding level 5 on the standard scale.~~

2 Grant, renewal, variation and revocation of certificates

[1937/2]

- (1) An application for the grant of a certificate under this section shall be made in the prescribed form to the Chief Constable, and shall state such particulars as may be required by the said form.
- (2) The certificate shall be granted by the Chief Officer of Police if he is satisfied that the applicant has a good reason for purchasing, acquiring, or having in his possession the firearm or ammunition in respect of which the application is made, and can be permitted to have in his possession that firearm or ammunition without danger to the public safety or to the peace:

Provided that a certificate shall not be granted to a person whom the Chief Officer of Police has reason to believe to be prohibited by this Act from possessing a firearm to which this Part of this Act applies, or to be of intemperate habits or unsound mind, or to be for any reason unfitted to be entrusted with such a firearm.

- (3) A certificate granted under this section shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates, and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder.
- (4) A firearm certificate shall be granted by the Chief Officer of Police to cover triennial periods computed from the first day of April, 1948. A firearm certificate shall, unless previously revoked or cancelled continue in force from the date when it was granted or last renewed to the end of the triennial period in respect of which it was granted or last renewed, but shall be renewable for the next succeeding triennial period by the Chief Officer of Police, and so from time to time, and the foregoing provisions of this section shall apply to the renewal of a certificate as they apply to a grant of a certificate.
- (5) The Chief Officer of Police may at any time by notice in writing vary the conditions subject to which the certificate is held, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein.
- (6) A firearm certificate may also, on the application of the holder thereof, be varied from time to time by the Chief Officer of Police.
- (7) A firearm certificate may be revoked by the Chief Officer of Police if —
 - (a) the Chief Officer of police is satisfied that the holder is prohibited by this Act from possessing a firearm to which this Part of this Act applies, or is of intemperate habits or unsound mind, or is otherwise unfitted to be entrusted with such a firearm; or
 - (b) the holder fails to comply with a notice under subsection (5) of this section requiring him to deliver up the certificate.

- (8) Any person aggrieved by a refusal of a Chief Officer of Police to grant him a certificate under this section or to vary or renew a firearm certificate, or by the revocation of a firearm certificate, under paragraph (a) of the last foregoing subsection,
- (i) may appeal to the High Bailiff in accordance with so much of the provisions of the First Schedule to this Act as relates to appeals, and
 - (ii) shall be notified by the Chief Officer of Police of his right of appeal under this subsection.
- (9) In any case where a firearm certificate is revoked by a Chief Officer of Police, he shall by notice in writing require the holder to surrender the certificate, and if the holder fails to do so within twenty-one days from the date of the notice, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale:
- Provided that, where an appeal is brought against the revocation, this subsection shall not apply to that revocation unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.
- (10) If any person makes any statement which he knows to be false for the purpose of procuring, whether for himself or any other person, the grant of a certificate under this section, or the variation, or renewal of a firearm certificate, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 3 on the standard scale or to both.
- (11) It shall be the duty of the Chief Officer of Police by a public notice published in at least two newspapers printed and circulated in the Isle of Man to notify the holders of firearms certificates at least one month before the end of each triennial period that the firearms certificates are due for renewal.

30A Guidance as to exercise of police functions

- (1) The Department may issue guidance to the Chief Constable as to the exercise of their functions under, or in connection with, this Act.
- (2) The Department may revise any guidance issued under this section.
- (3) The Department must arrange for any guidance issued under this section, and any revision of it, to be published.
- (4) The Chief Constable must have regard to any guidance issued under this section.
- (5) Before issuing guidance under this section, the Department must consult the Chief Constable.
- (6) The High Bailiff hearing an appeal under this Act must have regard to any guidance issued under section 30A that is relevant to the appeal.

55 Criminal Justice Act 1963

30 ~~Probation Liaison Committee~~

- (1) ~~There shall be established a body to be called the Probation Liaison Committee, which shall consist of such number of justices of the peace as may be prescribed by rules under section 31 of this Act.~~
- (2) ~~It shall be the duty of the Probation Liaison Committee to review the work of probation officers, and to perform such other functions in relation to probation officers as may be so prescribed.~~
- (3) ~~The expenses incurred by the Probation Liaison Committee shall be defrayed by the Department out of money provided by Tynwald.~~

31 ~~Probation rules~~

- (1) ~~The Department may make rules —~~
- (a) ~~regulating the constitution and procedure of the Probation Liaison Committee;~~
- (b) ~~regulating the duties of probation officers; and~~
- (c) ~~prescribing anything which may be prescribed under sections 28 and 30 of this Act.~~
- (2) ~~Rules under this section shall not have effect unless they are approved by Tynwald.~~

35 Interpretation

[1948/80]

- (1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say —
- “approved school”** means a school approved under section seventy-nine of the Children and Young Persons Act, 1933 (an Act of the Imperial Parliament);
- “child”** means a person who in the opinion of the court before whom he is brought is under the age of fourteen years;
- “court”** includes a court of General Gaol Delivery and a High Bailiff’s court and a court of summary jurisdiction;
- “court of summary jurisdiction”** [Repealed]
- “the Department”** means the Department of Home Affairs;
- “district”** [Repealed]
- “enactment”** includes any order, regulation or other instrument having effect by virtue of an Act;
- “impose imprisonment”** means pass a sentence of imprisonment or commit a person to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone;

- “offence the sentence for which is fixed by law”** means an offence for which the court is required to sentence the offender to death or imprisonment for life or to detention during Her Majesty’s **His Majesty’s** pleasure;
- “order for conditional discharge”** has the meaning assigned to it by section six of this Act;
- “period of conditional discharge”** has the meaning assigned to it by section six of this Act;
- “probationer”** means a person for the time being under supervision by virtue of a probation order;
- “probation order”** has the meaning assigned to it by section two of this Act;
- “probation period”** means the period for which a probationer is placed under supervision by a probation order;
- “sentence”** does not include a committal in default of payment of any sum of money or failing to do or abstain from doing anything required to be done or left undone;
- “sum adjudged to be paid by a conviction”** includes any costs, damages or compensation adjudged to be paid by the conviction of which the amount is ascertained by the conviction;
- “supervising court”** means, in relation to a probation order a court of summary jurisdiction and where the probationer was a child or young person ~~within the meaning of the Children and Young Persons Acts, 1910 to 1953, when the probation order was made,~~ means a juvenile court **when the probation order was made, a youth court**;
- “young person”** means a person who in the opinion of the court before whom he is brought is of the age of fourteen years but is under the age of ~~seventeen years~~ **eighteen years**.
- (2) Any reference in this Act to a previous sentence of imprisonment shall be construed as including a reference to a previous sentence of penal servitude; and any such reference to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of the British Islands and to a previous sentence passed by any such court.
 - (3) Where the age of any person at any time is material for the purposes of any provisions of this Act, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
 - (4) References in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under this Act upon the imprisonment of offenders of his age, but shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.
 - (5) For the purposes of this Act, except subsection (6) of section two thereof, where a probation order or an order for conditional discharge has been made on appeal, the order shall be deemed to have been made by the court from which the appeal was brought.
 - (6) Where any provision of this Act empowers a court on conviction of an offender to pass a sentence or make an order in lieu of dealing with him in any other manner, the said

provision shall not be construed as taking away any power of the court to order the offender to pay costs, damages or compensation.

- (7) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment, including this Act.

57 Road Traffic Act 1985

59 Proof, in summary proceedings of identity of driver of vehicle

[P1972/20/183]

Where on the summary trial of a summons for an offence under this Act to which this section is applied by column 8 of Part I of Schedule 6 or which is punishable by virtue of section 54 or for an offence against any other enactment relating to the use of vehicles on roads —

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under ~~section 16 of the Summary Jurisdiction Act 1956~~ **section 91 of the Summary Jurisdiction Act 1989**, that a requirement under section 47(2) of this Act to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

59 Coroners of Inquests Act 1987

2 Duty to notify coroner of death

- (8) Every person to whom this subsection applies, who has reason to believe that a deceased person died, directly or indirectly —
- (a) as a result of violence or misadventure or by unfair means; or
- (b) as a result of negligence or misconduct or malpractice on the part of others; or
- (c) from any cause other than natural illness or disease for which he had been seen and treated by a registered medical practitioner within 28 days before his death; or
- (d) in such circumstances as may require investigation (including death as a result of the administration of an anaesthetic),

shall immediately notify the coroner of the facts and circumstances relating to the death.

- (9) Subsection (1) applies to —

- (a) a medical practitioner;
 - (b) a registrar of deaths;
 - (c) a funeral undertaker;
 - (d) the occupier of a dwelling, or the person in charge of any institution or premises, in which the deceased person was residing.
- (10) Any such person who fails to comply with subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.ⁱ
- (11) Where —
- (a) a dead body is found in a public place, or
 - (b) an unexpected death occurs and the cause of death is unknown, or
 - (c) a death occurs in suspicious circumstances, or
 - (d) ~~a death occurs in prison or in police custody, or as a result of an injury caused by a constable in the performance or purported performance of his duty;~~
- ~~the Chief Constable or, where the death occurs in prison, the governor of the prison shall forthwith give notice thereof to the coroner with such information as he is able to obtain concerning the finding of the body or the death.~~
- (d) a death occurs, —
 - (i) in an institution within the meaning of the *Custody Act 1995*;
 - (ii) in police custody;
 - (iii) as a result of an injury caused by a constable in the execution or purported execution of the constable's duty; or
 - (iv) otherwise in state detention,

the Chief Constable, or in a case falling within subparagraph (i) the governor of the institution, must, immediately on becoming aware of it, give notice of the death to the coroner of inquests, together with such information as the Chief Constable or governor is able to obtain about the finding of the body or the death.
- (12) Where there is reason to believe that a deceased person died in any of the circumstances mentioned in subsection (1) or (4) —
- (a) the body of the deceased person shall not be cremated or buried;
 - (b) no chemical shall be applied to it externally or internally; and
 - (c) no alteration of any kind shall be made to it,
- until the coroner so authorises.
- (13) Any person who contravenes subsection (5) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.ⁱⁱ
- (14) For the purposes of subsection (4) —
- (a) subject to paragraph (b), a person is in state detention if the person is compulsorily detained by a public authority within the meaning of section 6 of the *Human Rights Act 2001*; but

- (b) a person is not in state detention at any time when the person is detained under section 2, 3 or 4 of the *Mental Health Act 1998*.ⁱⁱⁱ

60 Criminal Justice Act 1991

7 ~~Evidence from computer records~~

~~[P1984/60/69 and 70]~~

- ~~(1) In any proceedings, a statement in a document produced by a computer shall not be admissible as evidence of any fact stated therein unless it is shown—~~
- ~~(a) that there are no reasonable grounds for believing that the statement is inaccurate because of improper use of the computer;~~
 - ~~(b) that at all material times the computer was operating properly, or if not, that any respect in which it was not operating properly or was out of operation was not such as to affect the production of the document or the accuracy of its contents; and~~
 - ~~(c) that any relevant conditions specified in rules of court under this Chapter are satisfied.~~
- ~~(2) Schedule 1 shall have effect for the purpose of supplementing this section.~~

26A Transfer of prisoner in the Island to assist investigation overseas

[P2003/32/47]

- (1) The High Bailiff may, upon hearing the Attorney General in chambers, if the High Bailiff thinks fit, issue a warrant providing for any person to whom this section applies (“a prisoner”) to be transferred to a country or territory outside the Island for the purpose of assisting there in the investigation of an offence.
- (2) This section applies to a person —
- (a) serving a sentence of custody;
 - (b) in custody awaiting trial or sentence; or
 - (c) committed for default in paying a fine.
- (3) A warrant may be issued in respect of a prisoner under subsection (1) only if —
- (a) the prisoner; or
 - (b) in the circumstances mentioned in subsection (4), a person appearing to the High Bailiff to be an appropriate person to act on the prisoner’s behalf,
- has made a written statement consenting to the prisoner being transferred for the purpose mentioned in subsection (1).
- (4) The circumstances are those in which it appears to the High Bailiff to be inappropriate for the prisoner to act for himself or herself, by reason of physical or mental condition or youth.

- (5) Such consent cannot be withdrawn after the issue of the warrant.
- (6) A warrant under this section authorises —
 - (a) the taking of the prisoner to a place in the Island and the delivery of the prisoner at a place of departure from the Island into the custody of a person representing the appropriate authority of the country or territory to which the prisoner is to be transferred; and
 - (b) the bringing of the prisoner back to the Island and the transfer of the prisoner in custody to the place where the prisoner is liable to be detained under the sentence or order to which the prisoner is subject.
- (7) Where a warrant has been issued in respect of a prisoner under this section the prisoner shall be deemed to be in legal custody at any time when, being in the Island or on board a Manx ship, British ship, British aircraft or British hovercraft, the prisoner is being taken under the warrant to or from any place or being kept in custody under the warrant.
- (8) A person authorised by or for the purposes of the warrant to take the prisoner to or from any place or to keep the prisoner in custody shall have all the powers, authority, protection and privileges of a constable.
- (9) If the prisoner escapes or is unlawfully at large, the prisoner may be arrested without warrant by a constable and taken to any place to which the prisoner may be taken under the warrant issued under this section.
- (10) In subsection (7) —

“British aircraft” means a British-controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982 (an Act of Parliament) or one of Her Majesty’s ~~His Majesty’s~~ aircraft;

“British hovercraft” means a British-controlled hovercraft within the meaning of that section as applied in relation to hovercraft by virtue of provisions made under the Hovercraft Act 1968 (an Act of Parliament) or one of Her Majesty’s ~~His Majesty’s~~ hovercraft;

“British ship” means a British ship for the purposes of the Merchant Shipping Act 1995 (an Act of Parliament) or one of Her Majesty’s ~~His Majesty’s~~ ships;

“Manx ship” means a Manx ship within the meaning of the *Merchant Shipping Registration Act 1991*,

and in this subsection references to Her Majesty’s ~~His Majesty’s~~ aircraft, hovercraft or ships are references to aircraft, hovercraft or, as the case may be, ships belonging to or exclusively employed in the service of Her Majesty in right of the Government of the United Kingdom.
- (11) Any period spent by a prisoner in custody outside the Island as a result of this section shall be included for the purposes of the *Custody Act 1995* in any calculation made to determine the discharge of the prisoner.

In this section and in section 26B, “the Attorney General” includes, unless the context otherwise requires, a person who acts on behalf of, or is otherwise authorised by, the Attorney General.

Schedule 1

PROVISIONS SUPPLEMENTARY TO SECTION 7

Section 7 [P1984/60/Sch 3]

1. — In any proceedings where it is desired to give a statement in evidence in accordance with section 7, a certificate —

- (a) — identifying the document containing the statement and describing the manner in which it was produced;
- (b) — giving such particulars of any device involved in the production of that document as may be appropriate for the purpose of showing that the document was produced by a computer;
- (c) — dealing with any of the matters mentioned in section 7(1); and
- (d) — purporting to be signed by a person occupying a responsible position in relation to the operation of the computer,

shall be evidence of anything stated in it.

2. — For the purposes of paragraph 1 it shall be sufficient for a matter to be stated to the best of the knowledge and belief of the person stating it.

3. — Notwithstanding paragraph 1, a court may require oral evidence to be given on anything of which evidence could be given by a certificate under that paragraph.

4. — Any person who in a certificate tendered under paragraph 1 in a court of summary jurisdiction, the Court of General Gaol Delivery or the Staff of Government Division makes a statement which he knows to be false or does not believe to be true shall be guilty of an offence and liable —

- (a) — on conviction on information to imprisonment for a term not exceeding 2 years or to a fine or to both;
- (b) — on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding level 5 on the standard scale.

5. — In estimating the weight, if any, to be attached to a statement regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement and, in particular —

- (a) — to the question whether or not the information which the information contained in the statement reproduces or is derived from was supplied to the relevant computer, or recorded for the purpose of being supplied to it, contemporaneously with the occurrence or existence of the facts dealt with in that information; and
- (b) — to the question whether or not any person concerned with the supply of information to that computer, or with the operation of that computer or any equipment by means of which the document containing the statement was produced by it, had any incentive to conceal or misrepresent the facts.

6. — ~~For the purposes of paragraph 5 information shall be taken to be supplied to a computer whether it is supplied directly or (with or without human intervention) by means of any appropriate equipment.~~

7. — ~~Where in any proceedings a statement contained in a document is admissible in evidence in accordance with section 7 it may be proved —~~

~~(a) — by the production of that document; or~~

~~(b) — (whether or not that document is still in existence) by the production of a copy of that document, or of the material part of it,~~

~~authenticated in such manner as the court may approve.~~

8. — ~~For the purpose of deciding whether or not a statement is so admissible the court may draw any reasonable inference —~~

~~(a) — from the circumstances in which the statement was made or otherwise came into being; or~~

~~(b) — from any other circumstances, including the form and contents of the document in which the statement is contained.~~

61 Shot Guns, Air Weapons and Cross-bows Act 1994

11A Guidance as to exercise of police functions

- (1) The Department may issue guidance to the Chief Constable as to the exercise of their functions under, or in connection with, this Act.
- (2) The Department may revise any guidance issued under this section.
- (3) The Department must arrange for any guidance issued under this section, and any revision of it, to be published.
- (4) The Chief Constable must have regard to any guidance issued under this section.
- (5) Before issuing guidance under this section, the Department must consult the Chief Constable.
- (6) The High Bailiff hearing an appeal under this Act must have regard to any guidance issued under this section that is relevant to the appeal.

62 Protection from Harassment Act 2000

4 Putting people in fear of violence

P1994/40/4, reflecting P2012/9/Sch. 9, para 143(3) and P2017/3/175(1)(a).

- (1) A person (“A”) whose course of conduct causes another (“B”) to fear, on at least two occasions, that violence will be used against B is guilty of an offence if A knows or ought to know that A’s course of conduct will cause B so to fear on each of those occasions.

Maximum penalty, —

- (a) (on information) — 10 years' custody or a fine; or
 - (b) (summary) — 12 months' custody or a level 5 fine.
- (2) For the purposes of this section, A ought to know that it will cause B to fear that violence will be used against B on any occasion if a reasonable person in possession of the same information would think the course of conduct would cause B so to fear on that occasion.
- (3) It is a defence for A to show that, —
- (a) A's course of conduct was pursued for the purpose of preventing or detecting crime;
 - (b) A's course of conduct was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment; or
 - (c) the pursuit of A's course of conduct was reasonable for the protection of A or another or for the protection of the property of A or another.
- (4) If on A's trial on information for an offence under this section A is found not guilty of the offence charged, A may nevertheless be found guilty of an offence under section 2 or 2A.
- (5) A Court of General Gaol Delivery has the same powers and duties in relation to a person who is by virtue of subsection (4) convicted before it of an offence under section 2 or 2A as a court of summary jurisdiction would have on convicting A of the offence.

4A Stalking involving fear of violence or serious alarm or distress P1997/40/41 ins. by P2012/9/111(2) and am. P2017/3/175(1)(b)

- (1) A person ("A") whose course of conduct, —
- (a) amounts to stalking; and
 - (b) either —
 - (i) causes another ("B") to fear, on at least 2 occasions, that violence will be used against B; or
 - (ii) causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities,

commits an offence if A knows or ought to know that A's course of conduct will cause B so to fear on each of those occasions or (as the case may be) will cause such alarm or distress.

Maximum penalty, —

- (on information) — 10 years' custody or a fine;
 - (summary) — 12 months' custody or a level 5 fine.
- (2) For the purposes of this section A ought to know that A's course of conduct will cause B to fear that violence will be used against B on any occasion if a reasonable person in

possession of the same information would think the course of conduct would cause B so to fear on that occasion.

- (3) For the purposes of this section A ought to know that A's course of conduct will cause B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities if a reasonable person in possession of the same information would think the course of conduct would cause B such alarm or distress.
- (4) It is a defence for A to show that, —
 - (a) A's course of conduct was pursued for the purpose of preventing or detecting crime;
 - (b) A's course of conduct was pursued under any enactment or rule of law or to comply with any condition or requirement imposed by any person under any enactment; or
 - (c) the pursuit of A's course of conduct was reasonable for the protection of A or another or for the protection of the property of A or another.
- (5) If on A's trial on information for an offence under this section, A is found not guilty of the offence charged, A may nevertheless be found guilty of an offence under section 2 or 2A.
- (6) A Court of General Gaol Delivery has the same powers and duties in relation to a person who is by virtue of subsection (5) convicted before it of an offence under section 2 or 2A as a court of summary jurisdiction would have on convicting A of the offence.

This section does not limit section 4.

4B Offences under sections 4 and 4A committed outside the Island

A person is guilty of an offence in the Island if —

- (a) the person's course of conduct consists of or includes conduct outside the Island;
- (b) the course of conduct would constitute an offence under section 4 or 4A if it occurred in the Island; and
- (c) the person is habitually resident in the Island.

63 Human Rights Act 2001

9A Remedial orders

[P1998/42/10]

- (1) This section applies if —
 - (a) a provision of an Act of Tynwald or a public document has been declared under section 4 to be incompatible with a Convention right and, if an appeal lies —
 - (i) all persons who may appeal have stated in writing that they do not intend to do so;

- (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
 - (iii) an appeal brought within that time has been determined or abandoned; or
 - (b) subsection (1A) or (1B) is satisfied.
- (1A) This subsection is satisfied if it appears to the Council of Ministers, having regard to a finding of the European Court of Human Rights, made after the coming into operation of this section as originally enacted, in proceedings against the United Kingdom in a case relating to the Island, that a provision of an Act of Tynwald or a public document is incompatible with an obligation of the Island arising from the Convention.
- (1B) This subsection is satisfied if, having consulted the Deemsters, it appears to the Council of Ministers, having regard to —
- (a) a finding of the European Court of Human Rights made after the coming into operation of this subsection; or
 - (b) a decision of a relevant court made after the coming into operation of this subsection,
- 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.
- (2) If the Council of Ministers considers that there are compelling reasons for proceeding under this section, it may by order make such amendments to the Act of Tynwald or public document as it considers necessary to remove the incompatibility.
- (3) If, in the case of a public document, the Council of Ministers considers —
- (a) that it is necessary to amend the Act of Tynwald under which the public document in question was made, in order to enable the incompatibility to be removed; and
 - (b) that there are compelling reasons for proceeding under this section,
- it may by order make such amendments to the Act of Tynwald as it considers necessary.
- (4) In subsection (1B), “relevant court” means —
- (a) the Judicial Committee of the Privy Council;
 - (b) the Supreme Court of the United Kingdom;
 - (ba) His Majesty’s High Court of Justice in England;
 - (c) the Court of Appeal of England and Wales;
 - (d) the Inner House of the Court of Session; or
 - (e) the Court of Appeal in Northern Ireland; and
- “relevant enactment” means —
- (a) an Act of Parliament;
 - (b) an Act of the Scottish Parliament;

- (c) an Act or Measure of the National Assembly of Wales;
- (d) an Act of the Northern Ireland Assembly; or
- (e) secondary legislation under a legislative instrument mentioned in any of the preceding paragraphs of this definition.

19 Interpretation, etc

[P1998/42/21]

(1) In this Act —

“**Act**” means —

- (a) an Act of Tynwald;
- (b) an Act of Parliament which has effect in the Island (directly or by virtue of an Order in Council);
- (c) a Church Measure which has effect in the Island;
- (d) an Order in Council made in exercise of ~~Her Majesty's~~ **His Majesty's** Royal Prerogative and which extends to or has effect in respect of the Island;

and includes any provision of a public document, instrument or Order in Council which is excluded from the definition of “subordinate legislation”;

“**Church Measure**” means —

- (a) a Measure of the Church Assembly;
- (b) a Measure of the General Synod of the Church of England;
- (c) a Measure enacted in accordance with the *Church Legislation Procedure Act 1993*;
- (d) a Measure under the *Church (Application of General Synod Measures) Act 1979* which continues to have effect by virtue of section 5(1) of the *Church Legislation Procedure Act 1993*;

“**the Commission**” means the European Commission of Human Rights;

“**the Convention**” means the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the Island;

“**declaration of incompatibility**” means a declaration under section 4;

“**11th Protocol**” means the protocol to the Convention (restructuring the control machinery established by the Convention) agreed at Strasbourg on 11th May 1994;

“**13th Protocol**” means the protocol to the Convention (concerning the abolition of the death penalty in all circumstances) agreed at Vilnius on 3rd May 2002;

“**6th Protocol**” [Repealed]

“**subordinate legislation**” means —

- (a) any public document; and
- (b) any instrument of a legislative character which has effect in, or in relation to, the Island and which is made under —

- (i) an Act of Parliament; or
- (ii) a Church Measure;

but does not include —

1. any provision of a public document or an instrument referred to in paragraph (b) which amends an Act;
2. any provision of an Order in Council which extends a provision of an Act of Parliament to the Island; or
3. any provision of a public document or an instrument referred to in paragraph (b) which operates to bring one or more provisions of an Act into operation;

“**tribunal**” means any tribunal in which legal proceedings may be brought.

- (2) The references in section 2(1)(b) and (c) to Articles are to Articles of the Convention as they had effect immediately before the coming into force of the 11th Protocol.
- (3) The reference in section 2(1)(d) to Article 46 includes a reference to Articles 32 and 54 of the Convention as they had effect immediately before the coming into force of the 11th Protocol.
- (4) The references in section 2(1) to a report or decision of the Commission or a decision of the Committee of Ministers include references to a report or decision made as provided by paragraphs 3, 4 and 6 of Article 5 of the 11th Protocol (transitional provisions).

49 & 53 Rehabilitation of Offenders Act 2001

2 Sentences excluded from rehabilitation

[P1974/53/5(1)-(1A)]

- (1) The sentences excluded from rehabilitation under this Act are —
 - (a) a sentence of custody for life;
 - (b) a sentence of custody for a term exceeding ~~30~~ 48 months;
 - (c) a sentence of detention during Her Majesty’s pleasure passed under section 8 of the *Custody Act 1995* (detention of certain young offenders),

and any other sentence is a sentence subject to rehabilitation under this Act.

- (2) The Department may by order amend subsection (1).
- (3) An order under subsection (2) may make consequential amendments to other provisions of this Act (and, in particular to Schedule 1) and include such other consequential, supplementary, transitional and transitory provision as the Department considers appropriate.

7 Rehabilitation periods

[P1974/53/5 and 6]

- (1) For the purposes of this Act, the rehabilitation periods shall be determined in accordance with Schedule 1.
- (2) The ~~Department of Home Affairs~~ **Department** may by order amend Schedule 1.

7A Protection afforded to spent cautions

P1974/53/8A

- (1) Schedule 1A (protection for spent cautions) has effect.
- (2) A reference in this Act to a caution —
 - (a) if the caution is given in the Island, is to be construed in accordance with Part 6 of the *Justice Reform Act 2021*;
 - (b) if the caution is given in England and Wales, is to be construed in accordance with section 8A(2)(a) or (b) of the Rehabilitation of Offenders Act 1974 (of Parliament) ;
 - (c) includes anything which corresponds to a caution falling within paragraph (a) or (b) (however described) which is given to a person in respect of an offence under the law of a country or territory outside the Island.

8 Unauthorised disclosure of spent convictions from official records, etc

[P1974/53/9]

- (1) Subject to the provisions of any order under subsection (7), any person who, in the course of his official duties, has or at any time has had custody of or access to any official record or the information contained therein, shall be guilty of an offence if, knowing or having reasonable cause to suspect that any specified information he has obtained in the course of those duties is specified information, he discloses it, otherwise than in the course of those duties, to another person.
- (2) Any person guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.^{iv}
- (3) In any proceedings for an offence under subsection (1) it shall be a defence for the defendant to show that the disclosure was made —
 - (a) to the rehabilitated person or to another person at the express request of the rehabilitated person; or
 - (b) to a person whom he reasonably believed to be the rehabilitated person or to another person at the express request of a person whom he reasonably believed to be the rehabilitated person.
- (4) Proceedings for an offence under subsection (1) shall not be instituted except by or on behalf of the Attorney General.

- (5) Any person who obtains any specified information from any official record by means of any fraud, dishonesty or bribe shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to custody for a term not exceeding 6 months, or to both.^v
- (6) In this section —
- “official record” means a record kept for the purposes of its functions by any court, police force, department, statutory board, local or other public authority in the Island, or a record kept, in the Island or elsewhere, for the purposes of any of Her Majesty’s forces, being in either case a record containing information about persons convicted of offences;
- “specified information” means information imputing that a named or otherwise identifiable rehabilitated living person has committed or been charged with or prosecuted for or convicted of or sentenced for any offence which is the subject of a spent conviction.
- (7) The ~~Department of Home Affairs~~ **Department** may by order make such provision as appears to it to be appropriate for excepting the disclosure of specified information derived from an official record from the provisions of subsection (1) in such cases or classes of case as may be specified in the order.

8A Unauthorised disclosure of spent cautions

P1974/53/9A

- (1) In this section, —
- (a) “official record” means a record which, —
- (i) contains information about persons given a caution for any offence or offences; and
- (ii) is kept for the purposes of its functions by any court, police force, Department, Statutory Board or other public authority in the Island;
- (b) “caution information” means information imputing that a named or otherwise identifiable living person (“the named person”) has committed, been charged with or prosecuted or given a caution for any offence which is the subject of a spent caution; and
- (c) “relevant person” means any person who, in the course of his or her official duties, has or at any time has had custody of or access to any official record or the information contained in it.
- (2) Subject to the terms of any order made under subsection (5), a relevant person commits an offence if, knowing or having reasonable cause to suspect that any information he or she has obtained in the course of his or her official duties is caution information, he or she discloses it, otherwise than in the course of those duties, to another person.
- Maximum penalty (summary) — level 4 fine.
- (3) In any proceedings for an offence under subsection (2), it is a defence for the defendant to show that the disclosure was made, —

- (a) to the named person or to another person at the express request of the named person;
 - (b) to a person whom the defendant reasonably believed to be the named person or to another person at the express request of a person whom he or she reasonably believed to be the named person.
- (4) Any person who obtains any caution information from any official record by means of any fraud, dishonesty or bribe commits an offence.

Maximum penalty (summary) — 12 months' custody or a level 5 fine.

- (5) The Department may by order make such provision as appears to it to be appropriate for excepting the disclosure of caution information derived from an official record from the provisions of subsection (2) in such cases or classes of case as may be specified in the order.

Tynwald procedure — approval required.

10 Orders

- (1) The ~~Department of Home Affairs~~ **Department** may by order —
- (a) make such provisions as seems to it appropriate for excluding or modifying the application of sections 3(1), 4 or 5(1) in relation to such questions, cases, circumstances or proceedings as may be specified in the order;
 - (b) provide for such exceptions from the provisions of sections 3(1), 4 or 5(1) as seem to it appropriate;
 - (c) apply the provisions of this Act to sentences imposed in service disciplinary proceedings subject to such exceptions, adaptations and modifications as may be specified.
- (2) An order under any provision of this Act, except section 14(2), shall not come into operation unless it is approved by Tynwald.

11 Interpretation

- (1) In this Act —

“custody” means imprisonment, custody or detention ~~and includes penal servitude~~;

“Department” means the Department of Home Affairs;

“rehabilitation period” means the period applicable under section 7 and Schedule 1;

“service disciplinary proceedings” means any of the following —

- (a) any proceedings under the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957 (whether before a court-martial or before any other court or person authorised thereunder to award a punishment in respect of any offence);
- (b) any proceedings under any Act previously in force corresponding to any of the Acts mentioned in paragraph (a);
- (c) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976 (an Act of Parliament);

- (d) any proceedings under any corresponding statutory provision or law applying to a force, other than a home force, to which section 4 of the Visiting Forces (British Commonwealth) Act 1933 (an Act of Parliament) applies or applied at the time of the proceedings, being proceedings in respect of a member of a home force who is or was at that time attached to the first-mentioned force under that section;

whether in any event those proceedings take place in the Island or elsewhere;

“**spent conviction**” means a spent conviction for the purposes of this Act.

- (2) In this Act “**sentence**” includes any order made by a court in dealing with a person in respect of his conviction of any offence or offences, other than —
 - (a) an order for committal or any other order made in default of payment of any fine or other sum adjudged to be paid by or imposed on a conviction;
 - (b) an order dealing with a person in respect of a suspended sentence of custody.
- (3) In this Act, references to a conviction, however expressed, include references —
 - (a) to a conviction by or before a court outside the Island; and
 - (b) to any finding (other than a finding linked with a finding of insanity) in any criminal proceedings or in care proceedings under section 53 of the *Children and Young Persons Act 1966* that a person has committed an offence or done the act or made the omission charged;

and notwithstanding anything in section 9 of the *Criminal Justice Act 1963* (conviction of a person put on probation or discharged to be deemed not to be a conviction) a conviction in respect of which an order is made placing the person convicted on probation or discharging him absolutely or conditionally shall be treated as a conviction for the purposes of this Act and accordingly the person in question may become a rehabilitated person in respect of that conviction and the conviction a spent conviction.

- (4) In this Act, references to any sentence under an enactment are to be construed as including references to any sentence previously in force corresponding to that sentence.

14 Citation and commencement

- (1) This Act may be cited as the Rehabilitation of Offenders Act 2001.
- (2) This Act shall come into operation on such day as the ~~Department of Home Affairs~~ **Department** may by order appoint.

Schedule 1 – Paragraph 6

- 6. (1) For the purposes of paragraph 4(a) there shall be disregarded —
 - (a) any conviction in the Island of a summary offence prescribed under sub-paragraph (2); and

- (b) any conviction by or before a court outside the Island of an offence in respect of conduct which, if it had taken place in the Island, would not have constituted an offence under the law in force in the Island.
- (2) The ~~Department of Home Affairs~~ **Department** may by order prescribe summary offences for the purposes of sub-paragraph (1)(a).

SCHEDULE 1A

PROTECTION FOR SPENT CAUTIONS

[Section 7A(1)]

1 Preliminary

P1974/53/Sch.2 para 1

- (1) For the purposes of this Schedule a caution shall be regarded as a spent caution, —
 - (a) in the case of a conditional caution (as defined in section 57 of the *Justice Reform Act 2021*), at the end of the relevant period for the caution;
 - (b) in any other case, at the time the caution is given.
- (2) In sub-paragraph (1)(a) “the relevant period for the caution” means (subject to sub-paragraph (3)) the period of 3 months from the date on which the conditional caution was given.
- (3) If the person concerned is subsequently prosecuted and convicted of the offence in respect of which a conditional caution was given, —
 - (a) the relevant period for the caution shall end at the same time as the rehabilitation period for the offence; and
 - (b) if the conviction occurs after the end of the period mentioned in sub-paragraph (1)(a), the caution shall be treated for the purposes of this Schedule as not having become spent in relation to any period before the end of the rehabilitation period for the offence.

2 Meaning of “ancillary circumstances” for a caution

P1974/53/Sch.2 para 2

- (1) In this Schedule “ancillary circumstances”, in relation to a caution, means any circumstances of the following, —
 - (a) the offence which was the subject of the caution or the conduct constituting that offence;
 - (b) any process preliminary to the caution (including consideration by any person of how to deal with that offence and the procedure for giving the caution);
 - (c) any proceedings for that offence which take place before the caution is given (including anything which happens after that time for the purpose of bringing the proceedings to an end);
 - (d) any proceedings under a petition of doléance relating to the caution;

- (e) in the case of a conditional caution, any conditions attached to the caution or anything done in pursuance of or undergone in compliance with those conditions.
- (2) Where the caution relates to 2 or more offences, references in sub-paragraph (1) to the offence which was the subject of the caution include a reference to each of the offences concerned.
- (3) In this Schedule “proceedings before a judicial authority” has the same meaning as in section 6(2).

3 Protection relating to spent cautions and ancillary circumstances

P1974/53/Sch.2 para 3

- (1) A person who is given a caution for an offence, from the time the caution is spent, is to be treated for all purposes in law as a person who has not committed, been charged with or prosecuted for, or been given a caution for the offence; and notwithstanding the provisions of any other enactment or rule of law to the contrary, —
 - (a) no evidence is admissible in any proceedings before a judicial authority exercising its jurisdiction or functions in the Island to prove that any such person has committed, been charged with or prosecuted for, or been given a caution for the offence; and
 - (b) a person must not, in any such proceedings, be asked and, if asked, is not required to answer, any question relating to his or her past which cannot be answered without acknowledging or referring to a spent caution or any ancillary circumstances.
- (2) Nothing in sub-paragraph (1) applies in relation to any proceedings for the offence which are not part of the ancillary circumstances relating to the caution.
- (3) Where a question seeking information with respect to a person’s previous cautions, offences, conduct or circumstances is put to him or her or to any other person otherwise than in proceedings before a judicial authority, —
 - (a) the question shall be treated as not relating to spent cautions or to any ancillary circumstances, and the answer may be framed accordingly; and
 - (b) the person questioned shall not be subjected to any liability or otherwise prejudiced in law by reason of any failure to acknowledge or disclose a spent caution or any ancillary circumstances in his or her answer to the question.
- (4) Any obligation imposed on any person by any rule of law or by the provisions of any agreement or arrangement to disclose any matters to any other person does not extend to requiring him or her to disclose a spent caution or any ancillary circumstances (whether the caution is his or her own or another’s).
- (5) A caution which has become spent or any ancillary circumstances, or any failure to disclose such a caution or any such circumstances, does not constitute a proper ground for dismissing or excluding a person from any office, profession, occupation or employment, or for prejudicing him or her in any way in any occupation or employment.

(6) This paragraph has effect subject to paragraphs 4 to 6.

4 Power to amend by order

P1974/53/Sch.2 para 4

The Department of Home Affairs may by order, —

- (a) make provision for excluding or modifying the application of either or both of paragraphs (a) or (b) of paragraph 3(3) in relation to questions put in such circumstances as may be specified in the order;
- (b) provide for exceptions from the provisions of sub-paragraphs (4) and (5) of paragraph 3, in such cases or classes of case, and in relation to cautions of such a description, as may be specified in the order.

Tynwald procedure — approval required.

5 Exceptions from paragraph 3

P1974/53/Sch.2 para 5

Nothing in paragraph 3 affects, —

- (a) the operation of the caution in question; or
- (b) the operation of any enactment by virtue of which, in consequence of any caution, a person is subject to any disqualification, disability, prohibition or other restriction or effect, the period of which extends beyond the rehabilitation period applicable to the caution.

6 Application of section 5 for the purposes of Schedule

P1974/53/Sch.2 para 6

Section 5(2), (3) and (4) apply for the purposes of this Schedule as follows, —

- (a) subsection (2) applies to the determination of any issue, and the admission or requirement of any evidence, relating to a person's previous cautions or to ancillary circumstances as it applies to matters relating to a person's previous convictions and circumstances ancillary to such convictions; and
- (b) subsection (3) applies to evidence of a person's previous cautions and ancillary circumstances as it applies to evidence of a person's convictions and the circumstances ancillary to such convictions.

7 Application of section 10 for the purposes of Schedule

Section 10(1) applies as if a reference to sections 3(1), 4 and 5(1) included a reference to paragraph 3(1).

4 Restrictions on firework displays

- (1) No person shall let off a firework in any place unless he has in accordance with subsection (2) —
 - (a) given a notice to the Department of Home Affairs (“the Department”) specifying the time and place where the firework will be let off; and
 - ~~(b) caused a like notice to be given in a newspaper published and circulating in the Island.~~
 - (b) published the notice given under paragraph (a) in a manner that the Department determines is sufficient to bring it to the attention of persons likely to be affected by the proposed letting off of the firework.
- (2) A notice under subsection (1) shall be —
 - ~~(a) in a prescribed form;~~
 - ~~(b) in the case of a notice under subsection (1)(a), delivered, or sent by the recorded delivery service, to the principal office of the Department not later than 10 days before the firework is to be let off;~~
 - ~~(c) in the case of a notice under subsection (1)(b), given in a newspaper published and circulating in the Island not later than 10 days before the firework is to be let off.~~
 - (a) given in such form and contain such information as the Department may require;
 - (b) given not later than 10 days before the firework is to be let off.
- (3) As soon as practicable after receiving a notice under subsection (1)(a) the Department shall send by post to the person by whom it was given a receipt in the prescribed form.
- (4) Nothing in subsection (1) applies to the letting off of a firework during —
 - (a) the period beginning on the last Friday which falls at least two clear days before 5 November and ending on the Monday following 5 November;
 - (b) the period beginning on 28 December and ending on the Monday following 1 January.
- (5) Nothing in subsection (1) applies to the letting off of a firework by —
 - (a) a public authority, or
 - (aa) a person for use, in the course of that person’s trade or business, for special effects purposes in the theatre, on film or on television, or
 - (b) any of the naval, military or air forces of the Crown, or
 - (c) a person or class of persons prescribed in an order made by the Department who complies with such conditions as are imposed by that order.
- (6) If subsection (1) is contravened, each of the following —
 - (a) the person by whom the firework is let off, and

- (b) subject to subsection (7), the occupier of the place where it is let off, is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (7) In proceedings for an offence under subsection (6) against a person as occupier of a place, it shall be a defence for the accused to show —
 - (a) that the contravention took place without his consent or connivance; or
 - (b) that he had reasonable cause to believe that the person by whom the firework was let off had complied with subsection (1).
- ~~(8) The Department shall by regulations prescribe the forms of notice and receipt under subsections (1) and (3); and in this section “prescribed” means prescribed by regulations.~~
- ~~(9) An order under subsection (5)(c) shall not come into operation unless it is approved by Tynwald.~~
- (8) the Department shall publish on its website or in such other media as it may determine —
 - (a) the information that must be contained in a notice given under subsection (1);
 - (b) the manner in which the giving of a notice under that subsection may be satisfied.

5 Harassment etc. by letting off of fireworks

- (1) No person shall let off a firework in a public place within the hearing or sight of a person or domestic animal likely to be caused harassment, annoyance, alarm or distress thereby.
- (2) Nothing in subsection (1) applies to the letting off of a firework as part of a firework display —
 - (a) put on by —
 - (i) a public authority, or
 - (ii) any of the naval, military or air forces of the Crown,
 - (b) of which notice has been given under section 4(1)(b), or
 - (c) put on during a period specified in section 4(4).
- (3) Subject to subsection (4), any person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In proceedings for a contravention of subsection (1) it shall be a defence for the accused to show that he had no reason to believe that there was any person or domestic animal within hearing or sight who was likely to be caused harassment, annoyance, alarm or distress.

104 Test of obscenity

P1959/66/1

- (1) For the purposes of this Part an article shall be deemed to be obscene if its effect or (where the article comprises 2 or more distinct items) the effect of any one of its items is, if taken as a whole, ~~such as to 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.~~ **such as to tend to deprave and corrupt persons if they read, saw or heard the matter contained or embodied in it.**
- (2) In this Part “**article**” means any description of article containing or embodying matter to be read or looked at or both, any sound record, and any film or other record of a picture or pictures.
- (3) For the purposes of this Part a person publishes an article who —
 - (a) distributes, circulates, sells, lets on hire, gives, or lends it, or who offers it for sale or for letting on hire; or
 - (b) in the case of an article containing or embodying matter to be looked at or a record, shows, plays or projects it, or, where the matter is data stored electronically, transmits that data.
- (4) For the purposes of this Part a person also publishes an article to the extent that any matter recorded on it is included by him or her in a programme included in a programme service.
- (5) Where the inclusion of any matter in a programme so included would, if that matter were recorded matter, constitute the publication of an obscene article for the purposes of this Part by virtue of subsection (4), this Part shall have effect in relation to the inclusion of that matter in that programme as if it were recorded matter.
- (6) In this section “**programme**” and “**programme service**” have the same meaning as in the *Broadcasting Act 1993*.

144 Power to displace section 140

P1992/34/3 and drafting

- (1) If, in the case of a person who is suspected of, but not yet charged with, an offence to which this Part applies, an officer of or above the rank of superintendent applies to a judge of the High Court for a direction under this subsection and satisfies the judge that the direction is —
 - (a) necessary for the protection of the victim or any other person; or
 - (b) otherwise necessary in the public interest,
 the judge shall direct that section 140, shall not by virtue of the suspicion, apply in relation to the suspect.
- (2) If, before the commencement of or during a trial at which a person is charged with an offence to which this Part applies, a constable or the prosecution applies to the court for a direction under this subsection and satisfies the judge —
 - (a) that the direction is required for the purpose of inducing persons who are likely to be needed as witnesses at the trial to come forward; and

- (b) that the conduct of the prosecution at the trial is likely to be substantially prejudiced if the direction is not given,
- the judge shall direct that section 140, shall not, by virtue of the accusation alleging the offence in question, apply in relation to the defendant.
- (3) If at a trial the judge is satisfied —
 - (a) that the effect of section 140 is to impose a substantial and unreasonable restriction upon the reporting of proceedings at the trial; and
 - (b) that it is in the public interest to remove or relax the restriction,
 the judge shall direct that that section shall not apply to such matter as is specified in the direction.
 - (4) A direction shall not be given under subsection (3) by reason only of the outcome of the trial.
 - (5) If the prosecution has given notice of appeal against an acquittal, or notice of an application for leave so to appeal, applies to the appellate court for a direction under this subsection and satisfies the court —
 - (a) that the direction is required for the purpose of obtaining evidence in support of the appeal; and
 - (b) that the complainant is likely to suffer substantial injustice if the direction is not given,
 the court shall direct that section 140 shall not, by virtue of an accusation which alleges an offence to which this Part applies and is specified in the direction, apply in relation to a defendant so specified.
 - (6) A direction given under any provision of this section does not affect the operation of section 140 at any time before the direction is given.
 - (7) In subsections (3) and (5), “court” means, —
 - (a) in the case of an offence which is to be tried summarily or for which the mode of trial has not been determined, the High Bailiff, Deputy High Bailiff or any justice of the peace; and
 - (b) in any other case, any Deemster.
 - (8) If, after the commencement of a trial at which a person is charged with an offence to which this Part applies, a new trial of the person for that offence is ordered, the commencement of any previous trial shall be disregarded for the purposes of subsection (1).
 - (9) The Department may by regulations specify other persons who may make an application for a direction under subsection (1) or (2).
Tynwald procedure: approval required.
 - (10) Regulations under subsection (1) may make such other provision as to the Department considers necessary to ensure that the Chief Constable, the prosecution and the defence have been permitted to make representation to the judge before the judge decides whether to give the direction.

205 Young offenders: application

P2003/42/131 and drafting

This Part applies to —

- (a) a period of detention which a person is liable to serve under a detention and training order made under section 211 of the *Armed Forces Act 2006*¹ (of Parliament) as extended to the Island;
- (b) a sentence of detention in a young offender institution, a young offenders institution or a young offenders centre;
- (c) a sentence under a custodial order within the meaning of paragraph 10 of Schedule 4A to, the *Naval Discipline Act 1957*², as extended to the Island;
- (d) a sentence of detention under section 8 of the *Custody Act 1995* or section 209 or 218 of the *Armed Forces Act 2006*;
- (e) a sentence of custody during ~~Her Majesty's~~ **His Majesty's** pleasure under section 8 of the *Custody Act 1995*,

as it applies to an equivalent sentence to a term of custody and references in this Part to prison or custody are to be interpreted accordingly.

233 Transitional and savings provisions

- (1) Despite the repeal of the *Sex Offenders Act 2006* —
 - (a) a sexual offences prevention order made under that Act remains in operation until it expires or is replaced by a sexual harm prevention order made under section 181 of this Act; and
 - (b) a risk of sexual harm order made under that Act remains in operation until it expires or is replaced by a sexual risk order made under section 193 of this Act.
- (1A) **For the avoidance of doubt —**
 - (a) **for the purposes of section 190, a sexual offences prevention order that remains in operation under subsection (1) shall be treated as if it were a sexual harm prevention order made under section 181 of this Act; and**
 - (b) **for the purposes of section 200, a risk of sexual harm order that remains in operation under subsection (1) shall be treated as if it were a sexual risk order made under section 193 of this Act.**
- (2) Until the first rules of court are made in relation to Courts of General Gaol Delivery or the courts of summary jurisdiction, under section 91 of the *Summary Jurisdiction Act 1989*, section 25 of the *High Court Act 1991* (by virtue of section 57 of the *Criminal Jurisdiction Act 1993*) or this Act, for the purposes of the sections of this Act specified in subsection (3), the procedure shall be such as the presiding Deemster or court, as the case may be, shall determine.
- (3) The sections referred to in subsection (2) are —
 - (a) section 150 (procedure on applications under section 147).
 - (b) section 161 (parental directions: variations, renewals and discharges);
 - (c) section 178 (sections 176 and 177: relevant offences);
 - (d) section 181 (sexual harm prevention orders: applications and grounds);
 - (e) section 182 (section 181: supplemental);

¹ 2006 c.52 (as extended under section 384)

² 1957 c.53

- (f) section 184 (sexual harm prevention orders: variations and discharges prior to release from custody);
 - (g) section 186 (sexual harm prevention orders: variations, renewals and discharges);
 - (h) section 192 (sexual harm prevention orders and interim sexual harm prevention orders: supplementary);
 - (i) section 194 (section 193: interpretation); and
 - (j) section 203 (sexual risk orders and interim sexual risk orders: supplementary).
- (4) To avoid doubt, section 57(2) of the *Legislation Act 2015* applies to the repeal of section 39A of the *Sexual Offences Act 1992* which abolished any presumption of criminal law that a boy under the age of 14 years is incapable of sexual intercourse.

Consultation copy – for reference purposes only