



**Isle of Man**

*Ellan Vannin*

**AT 25 of 1991**

# **CRIMINAL JUSTICE ACT 1991**

The text of this Act is shown “as amended” by amendments found within the Justice Reform Act 2021, and any additional amendments set out within the Justice and Home Affairs (Reform and Miscellaneous Amendments) Bill 2025 once these take effect.





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## CRIMINAL JUSTICE ACT 1991

<i>Received Royal Assent:</i>	<i>15 October 1991</i>
<i>Passed:</i>	<i>15 October 1991</i>
<i>Commenced:</i>	<i>See endnotes</i>

**AN ACT** to make new provision for evidence in criminal proceedings; to enable the review of sentences on the application of the Attorney General; to make new provision with respect to offensive weapons; to prohibit the supply to persons under the age of 18 of certain substances which may cause intoxication if inhaled; to make new provision for the service of process; to make new provision for forfeiture orders; to amend enactments relating to the misuse etc. of drugs; to make miscellaneous amendments to enactments relating to the criminal law; and for connected purposes.

## PART 1 – EVIDENCE

### CHAPTER I

#### *Evidence in criminal proceedings – Documents*

1 [Repealed]<sup>1</sup>

2 [Repealed]<sup>2</sup>

3 [Repealed]<sup>3</sup>

4 [Repealed]<sup>4</sup>

5 [Repealed]<sup>5</sup>

6 [Repealed]<sup>6</sup>

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.

8 **Microfilm copies**

[P1984/60/71]

In any proceedings the contents of a document may (whether or not the document is still in existence) be proved by the production of an enlargement of a microfilm copy of that document or of the material part of it, authenticated in such manner as the court may approve.



**9 Saving**

[P1988/33/28]

Nothing in this Chapter shall prejudice —

- (a) the admissibility of a statement not made by a person while giving oral evidence in court which is admissible otherwise than by virtue of this Chapter; or
- (b) any power of a court to exclude at its discretion a statement admissible by virtue of this Chapter.

**10 Chapter I: Interpretation**

[P1984/60/72(1)]

In this Chapter —

“**confession**” [Repealed]<sup>7</sup>

“**copy**” includes a transcript of sounds or data embodied in a document and a reproduction or still reproduction of images so embodied (whether enlarged or not);

“**statement**” includes any representation of fact, whether made in words or otherwise.

**CHAPTER II***Evidence in criminal proceedings – General**Confessions***11 Confessions**

[P1984/60/76]

- (1) In any proceedings a confession made by an accused person may be given in evidence against him in so far as it is relevant to any matter in issue in the proceedings and is not excluded by the court in pursuance of this section.
- (2) If, in any proceedings where the prosecution proposes to give in evidence a confession made by an accused person, it is represented to the court that the confession was or may have been obtained —
  - (a) by oppression of the person who made it; or
  - (b) in consequence of anything said or done which was likely, in the circumstances existing at the time, to render unreliable any confession which might be made by him in consequence thereof,

the court shall not allow the confession to be given in evidence against him except in so far as the prosecution proves to the court beyond reasonable

doubt that the confession (notwithstanding that it may be true) was not obtained as aforesaid.

- (3) In any proceedings where the prosecution proposes to give in evidence a confession made by an accused person, the court may of its own motion require the prosecution, as a condition of allowing it to do so, to prove that the confession was not obtained as mentioned in subsection (2).
- (4) The fact that a confession is wholly or partly excluded in pursuance of this section shall not affect the admissibility in evidence —
  - (a) of any facts discovered as a result of the confession; or
  - (b) where the confession is relevant as showing that the accused speaks, writes or expresses himself in a particular way, of so much of the confession as is necessary to show that he does so.
- (5) Evidence that a fact to which this subsection applies was discovered as a result of a statement made by an accused person shall not be admissible unless evidence of how it was discovered is given by him or on his behalf.
- (6) Subsection (5) applies —
  - (a) to any fact discovered as a result of a confession which is wholly excluded in pursuance of this section; and
  - (b) to any fact discovered as a result of a confession which is partly so excluded, if the fact is discovered as a result of the excluded part of the confession.
- (7) Nothing in Chapter I shall prejudice the admissibility of a confession made by an accused person.
- (8) In this section “oppression” includes torture, inhuman or degrading treatment, and the use or threat of violence (whether or not amounting to torture).

## 12 [Repealed]<sup>8</sup>

### *Miscellaneous*

## 13 Exclusion of unfair evidence

[P1984/60/78]

- (1) In any proceedings the court may refuse to allow evidence on which the prosecution proposes to rely to be given if it appears to the court that, having regard to all the circumstances, including the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it.
- (2) Nothing in this section shall prejudice any rule of law requiring a court to exclude evidence.

**14 Time for taking accused's evidence**

[P1984/60/79]

If at the trial of any person for an offence —

- (a) the defence intends to call 2 or more witnesses to the facts of the case; and
- (b) those witnesses include the accused,

the accused shall be called before the other witness or witnesses unless the court in its discretion otherwise directs.

**15 Competence and compellability of accused's spouse or civil partner**

[P1984/60/80]

- (1) In any proceedings the spouse or civil partner of the accused shall be competent to give evidence —
  - (a) subject to subsection (4), for the prosecution; and
  - (b) on behalf of the accused or any person jointly charged with the accused.<sup>9</sup>
- (2) In any proceedings the spouse or civil partner of the accused shall, subject to subsection (4), be compellable to give evidence on behalf of the accused.<sup>10</sup>
- (3) In any proceedings the spouse or civil partner of the accused shall, subject to subsection (4), be compellable to give evidence for the prosecution or on behalf of any person jointly charged with the accused if and only if —
  - (a) the offence charged involves an assault on, or injury or a threat of injury to, the spouse or civil partner of the accused or a person who was at the material time under the age of 16; or<sup>11</sup>
  - (aa) the offence charged is a sexual offence against the spouse or civil partner of the accused; or<sup>12</sup>
  - (b) the offence charged is a sexual offence alleged to have been committed in respect of a person who was at the material time under that age; or
  - (c) the offence charged consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a) or (b) or of attempting to commit any offence falling within paragraph (aa).<sup>13</sup>
- (4) Where both spouses or civil partners are jointly charged with an offence neither of the spouses or civil partners shall at the trial be competent or compellable by virtue of subsection (1)(a), (2) or (3) to give evidence in respect of that offence unless that spouse or civil partner is not, or is no longer, liable to be convicted of that offence at the trial as a result of pleading guilty or for any other reason.<sup>14</sup>

- (5) In any proceedings a person who has been but is no longer married to, or the civil partner of, the accused shall be competent and compellable to give evidence as if that person and the accused had never been spouses or civil partners of each other.<sup>15</sup>
- (5A) In any proceedings a person who is married to, or is a civil partner of, the accused, but was not the accused's spouse or civil partner at the time of the commission of the offence, shall be competent and compellable to give evidence as if that person and the accused were not married or civil partners.<sup>16</sup>
- (6) Where in any proceedings the age of any person at any time is material for the purposes of subsection (3), his age at the material time shall for the purposes of that provision be deemed to be or to have been that which appears to the court to be or to have been his age at that time.
- (7) In subsection (3) "sexual offence" means an offence under the *Sexual Offences and Obscene Publications Act 2021*.<sup>17</sup>
- (8) The failure of the spouse or civil partner of the accused to give evidence shall not be made the subject of any comment by the prosecution.<sup>18</sup>

## 16 Expert reports

[P1988/33/30]

- (1) An expert report shall be admissible as evidence in criminal proceedings, whether or not the person making it attends to give oral evidence in those proceedings.
- (2) If it is proposed that the person making the report shall not give oral evidence, the report shall only be admissible with the leave of the court.
- (3) For the purpose of determining whether to give leave the court shall have regard —
  - (a) to the contents of the report;
  - (b) to the reasons why it is proposed that the person making the report shall not give oral evidence;
  - (c) to any risk, having regard in particular to whether it is likely to be possible to controvert statements in the report if the person making it does not attend to give oral evidence in the proceedings, that its admission or exclusion will result in unfairness to the accused or, if there is more than one, to any of them; and
  - (d) to any other circumstances that appear to the court to be relevant.
- (4) An expert report, when admitted, shall be evidence of any fact or opinion of which the person making it could have given in oral evidence.
- (5) In this section "expert report" means a written report by a person dealing wholly or mainly with matters on which he is (or would if living be) qualified to give expert advice.

**17 and 18 [Repealed]<sup>19</sup>****19 Chapter II: Interpretation**

[P1984/60/82]

- (1) In this Chapter “**confession**” includes any statement wholly or partly adverse to the person who made it, whether made to a person in authority or not and whether made in words or otherwise.<sup>20</sup>
- (2) Nothing in this Chapter shall prejudice any power of a court to exclude evidence (whether by preventing questions from being put or otherwise) at its discretion.

**CHAPTER III***Exchange of evidence or information<sup>21</sup>***19A Definitions for Chapter III**

In this Chapter —

“**criminal proceedings**” includes criminal proceedings in which a civil order may be made;

“**evidence or information**” includes evidence or information in any form and articles, and giving evidence or information includes answering a question or producing any evidence, information or article.<sup>22</sup>

**20 Evidence or information for use in Island**

[P1990/5/3]

- (1) Where on an application made in accordance with subsection (2) below it appears to a justice of the peace or a Judge —
  - (a) that an offence has been committed or that there are reasonable grounds for suspecting that an offence has been committed; and
  - (b) that proceedings in respect of the offence have been instituted or that the offence is being investigated,he may issue a letter (“a letter of request”) requesting assistance in obtaining outside the Island such evidence or information as is specified in the letter for use in the proceedings or investigation and shall send the letter to the Attorney General for transmission under subsection (4).<sup>23</sup>
- (2) An application under subsection (1) may be made by a prosecuting authority or, if proceedings have been instituted, by the person charged in those proceedings.
- (3) The Attorney General may issue a letter of request if —
  - (a) he is satisfied as to the matters mentioned in subsection (1)(a); and

- (b) the offence in question is being investigated or the prosecuting authority has instituted proceedings in respect of it.
- (4) The Attorney General shall transmit letters of request issued under subsections (1) and (3) either —
  - (a) to a court or tribunal specified in the letter and exercising jurisdiction in the place where the evidence or information is to be obtained; or<sup>24</sup>
  - (b) to any authority recognised by the government of the country or territory in question as the appropriate authority for receiving requests for assistance of the kind to which this section applies.
- (5) In this section “evidence or information” includes documents and other articles.<sup>25</sup>
- (6) Evidence or information obtained by virtue of a letter of request shall not without the consent of such an authority as is mentioned in subsection (4)(b) be used for any purpose other than that specified in the letter.<sup>26</sup>
- (7) When any document or other article obtained pursuant to a letter of request is no longer required for that purpose (or for any other purpose for which such consent has been obtained), it shall be returned to such an authority unless that authority indicates that the document or article need not be returned.
- (8) In exercising the discretion conferred by section 3 in relation to a statement contained in evidence or information taken pursuant to a letter of request the court shall have regard —
  - (a) to whether it was possible to challenge the statement by questioning the person who made it; and
  - (b) if proceedings have been instituted, to whether the local law allowed the parties to the proceedings to be legally represented when the evidence or information was being taken.<sup>27 28 29</sup>

## **21 Evidence or information for use outside Island**

[P1990/5/4 and P2003/32/14]

- (1) This section has effect where the Attorney General receives —
  - (a) from a court or tribunal exercising criminal jurisdiction in a country or territory outside the Island or a prosecuting authority in such a country or territory; or
  - (b) from any other authority in such a country or territory which appears to the Attorney General to have the function of making requests of the kind to which this section applies,

a request for assistance in obtaining evidence or information in the Island in connection with proceedings or an investigation mentioned in subsection (2).<sup>30</sup>

- (2) The request for assistance in obtaining the evidence or information must be made in connection with —
  - (a) criminal proceedings or a criminal investigation, being carried on outside the Island;
  - (b) administrative proceedings, or an investigation into an act punishable in such proceedings, being carried on there;
  - (c) clemency proceedings, or proceedings on an appeal before a court against a decision in administrative proceedings, being carried on, or intended to be carried on, there.<sup>31</sup>
- (3) In a case within subsection (2)(a) or (b), the Attorney General may arrange for the evidence or information to be so obtained only if satisfied —
  - (a) that an offence under the law of the country or territory in question has been committed or that there are reasonable grounds for suspecting that such an offence has been committed; and
  - (b) that proceedings in respect of the offence have been instituted in that country or territory or that an investigation into the offence is being carried on there.<sup>32</sup>
- (4) In subsection (2), an offence includes an act punishable in administrative proceedings.
- (5) Subject to subsections (2), (3) and (7), where the Attorney General receives a request under subsection (1) the Attorney General may cause an application to be made to the High Bailiff to receive such of the evidence or information to which the request relates as may appear to the High Bailiff to be appropriate for the purposes of giving effect to the request.<sup>33</sup>
- (6) The Attorney General is to regard as conclusive a certificate as to the matters mentioned in subsection (3)(a) and (b) issued by any authority in the country or territory in question which appears to the Attorney General to be the appropriate authority to do so.
- (7) [Repealed]<sup>34</sup>
- (8) Subject to subsection (9), where —
  - (a) the High Bailiff has received evidence or information pursuant to an application under subsection (5); and<sup>35</sup>
  - (b) the Attorney General has transmitted that evidence or information pursuant to paragraph 4(1) of Schedule 2,<sup>36</sup>

the Attorney General may transmit that evidence or information to another court, tribunal or authority.<sup>37</sup>

- (9) The Attorney General must not transmit evidence or information under subsection (8) unless —
- (a) the Attorney General has received a request for assistance pursuant to subsection (1) from the other court, tribunal or authority referred to in subsection (8);
  - (b) in a case within subsection (2)(a) or (b), the Attorney General is satisfied as to the matters mentioned in subsection (3)(a) and (b); and
  - (c) [Repealed]<sup>38 39</sup>
- (10) Schedule 2 is to have effect in relation to proceedings before the High Bailiff in pursuance of an application under this section.
- (11) In this section —
- “administrative proceedings” include proceedings outside the Island brought by administrative authorities in the requesting country or territory in respect of acts which are punishable under the laws of that country or territory as infringements of the law, and where a decision in the proceedings may be the subject of an appeal before a court exercising criminal jurisdiction in that country or territory;
- “clemency proceedings” means proceedings in a country or territory outside the Island, not being proceedings before a court exercising criminal jurisdiction, for the removal or reduction of a penalty imposed on conviction of an offence.
- “criminal proceedings” [Repealed]<sup>40</sup>
- “evidence” [Repealed]<sup>41</sup>

## 21A Offence of disclosure

[P2003/32/42]

- (1) This section applies where the Attorney General receives a request under section 21 for evidence or information to be obtained from a financial institution.<sup>42</sup>
- (2) Subject to subsection (4), if the institution, or an employee of the institution, discloses any of the following information, the institution or (as the case may be) the employee commits an offence.
- (3) That information is —
- (a) that the request mentioned in subsection (1) has been received;
  - (b) that the investigation to which the request relates is being carried out; or
  - (c) that, in pursuance of the request, information has been, is to be or may be given to the authority which made the request.
- (4) No offence is committed under subsection (2) if the disclosure is made —



- (a) to an employee, officer or partner of that institution;
  - (b) to an authority that is the supervisory authority for the institution.
- (5) An institution guilty of an offence under this section is liable —
  - (a) on summary conviction, to a fine not exceeding level 5 on the standard scale;<sup>43</sup>
  - (b) on conviction on information, to a fine.
- (6) Any other person guilty of an offence under this section is liable —
  - (a) on summary conviction, to custody for a term not exceeding 3 months, or to a fine not exceeding level 5 on the standard scale, or to both;<sup>44</sup>
  - (b) on conviction on information, to custody for a term not exceeding 2 years, or to a fine, or to both.
- (7) In this section, “financial institution” and “supervisory authority” each has the same meaning as in Part 3 of the *Proceeds of Crime Act 2008*.<sup>45</sup>

## 22 Search etc for material relevant to section 21

[P1990/5/7]

- (1) If, on an application made by the Attorney General a Judge is satisfied —
  - (a) that, in a country or territory outside the Island, criminal proceedings have been instituted or a criminal investigation is being carried out against a person;<sup>46</sup>
  - (b) that the conduct constituting the offence which is the subject of the proceedings or investigation would constitute an offence if it had occurred in the Island; and<sup>47</sup>
  - (c) that there are reasonable grounds for suspecting that there is on premises mentioned in subsection (1A) evidence or information relating to the offence other than items subject to legal privilege under that Act;<sup>48</sup>

he may issue a warrant authorising a constable to enter and search those premises and to seize any such evidence or information found there.<sup>49</sup>

- (1A) The premises mentioned in subsection (1)(c) are —

- (a) one or more sets of premises occupied or controlled by a person specified in the application (in which case the application is for a “specific premises warrant”); or
  - (b) any premises occupied or controlled by a person specified in the application, including such sets of premises as are so specified (in which case the application is for an “all premises warrant”).<sup>50</sup>

- (1B) If the application is for an all premises warrant, the Judge must also be satisfied —

- (a) that, because of the particulars of the conduct mentioned in subsection (1)(b), there are reasonable grounds for believing that it is necessary to search premises occupied or controlled by the person in question that are not specified in the application in order to find the evidence or information mentioned in subsection (1)(c); and
  - (b) that it is not reasonably practicable to specify in the application all the premises that the person in question occupies or controls and that might need to be searched.<sup>51</sup>
- (1C) The warrant may authorise entry to and search of premises on more than one occasion if, on the application, the Judge is satisfied that it is necessary to authorise multiple entries in order to achieve the purpose for which the warrant is issued.<sup>52</sup>
- (1D) If the warrant authorises multiple entries, the number of entries authorised may be unlimited or limited to a maximum.<sup>53</sup>
- (2) The power to search conferred by subsection (1) is only a power to search to the extent that is reasonably required for the purpose of discovering such evidence or information as is there mentioned.<sup>54</sup>
- (3) No application for a warrant shall be made under subsection (1) unless it is in response to a request received —
  - (a) from a court or tribunal exercising criminal jurisdiction in the overseas country or territory in question or a prosecuting authority in that country or territory; or
  - (b) from any other authority in that country or territory which appears to him to have the function of making requests for the purposes,and any evidence or information seized by a constable by virtue of this section shall be furnished by him to the Attorney General for transmission to that court, tribunal or authority.<sup>55</sup>
- (4) If in order to comply with the request it is necessary for any such evidence or information to be accompanied by any certificate, affidavit or other verifying document the constable shall also furnish for transmission such document of that nature as may be required by the Attorney General.<sup>56</sup>
- (5) Where the evidence or information consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.<sup>57</sup>
- (6) In this section —

“constable” includes a proper officer within the meaning of the *Customs and Excise Management Act 1986*;

“items subject to legal privilege” [Repealed]<sup>58</sup>

“premises” includes any place and, in particular, includes —

- (a) any vehicle, vessel, aircraft or hovercraft;
  - (b) any offshore installations; and
  - (c) any tent or moveable structure.
- (7) Section 12(2) of the *Police Powers and Procedures Act 1998* shall not affect the operation of this section.<sup>59</sup>

## **23 Rules of court**

[P1990/5/10]

- (1) Provision may be made by rules of court for any purpose for which it appears to the Deemsters that it is necessary or expedient that provision should be made in connection with any of the provisions of this Chapter.
- (2) Rules made for the purposes of Schedule 2 may, in particular, make provision with respect to the persons entitled to appear or take part in the proceedings to which that Schedule applies and for excluding the public from any such proceedings.
- (3) This section is without prejudice to the generality of any existing power to make rules.
- (4) Rules of court under this section shall be laid before Tynwald.
- (5) Where no rules of court have been made, the court may adopt such practice and procedure as it thinks fit.<sup>60</sup>

## **PART 2**

## **24 to 26 [Repealed]**<sup>61</sup>

## **PART 2A — JURISDICTION IN RELATION TO CERTAIN OFFENCES**<sup>62</sup>

### **26ZA Offences to which this Part applies**

P1993/36/1 and drafting

- (1) This Part applies to 2 groups of offences —
  - (a) any offence mentioned in subsection (2) (a "Group A offence"); and
  - (b) any offence mentioned in subsection (3) (a "Group B offence").
- (2) The Group A offences are —
  - (a) an offence under any of the following provisions of the *Theft Act 1981* —
    - (i) section 7 (theft);

- (ii) section 19 (false accounting);
- (iii) section 21 (false statements by company directors, etc);
- (iv) section 23 (blackmail);
- (v) section 24 (handling stolen goods);
- (vi) section 24A (dishonestly retaining a wrongful credit);
- (b) an offence under any of the following provisions of the *Fraud Act 2017* —
  - (i) section 3 (fraud);
  - (ii) section 8 (possession etc. of articles for use in frauds);
  - (iii) section 9 (making or supplying articles for use in frauds);
  - (iv) section 11 (participating in fraudulent business);
  - (v) section 12 (obtaining services dishonestly);
- (c) an offence under any of the following provisions of the *Forgery Act 1952* —
  - (i) section 2 (forgery of certain documents with intent to defraud);
  - (ii) section 3 (forgery of certain documents with intent to defraud or deceive);
  - (iii) section 4 (forgery of other documents with intent to defraud or to deceive a misdemeanour);
  - (iv) section 5 (forgery of seals and dies);
  - (v) section 6 (uttering);
  - (vi) section 7 (demanding property on forged documents, etc);
  - (vii) section 8 (possession of forged documents, seals, and dies);
  - (viii) section 9 (making or having in possession paper or implements for forgery);
  - (ix) section 10 (purchasing or having in possession certain paper before it has been duly stamped and issued);
  - (x) section 11 (forgery of a passport);
- (d) an offence under any of the following provisions of the *Coinage Offences Act 1980* —
  - (i) section 1 (counterfeiting);
  - (ii) section 2 (gilding, silvering, filing and altering);
  - (iii) section 3 (impairing platinum, gold, silver, cupro-nickel or bronze coin and unlawful possession of filings etc);
  - (iv) section 4 (defacing and uttering defaced coins);
  - (v) section 5 (uttering and possession with intent to utter);
  - (vi) section 6 (buying or selling, etc counterfeit coin for lower value than its denomination);

- (vii) section 7 (importing and exporting, etc counterfeit coin);
- (viii) section 8 (making, possessing and selling medals resembling platinum, gold, silver or cupro-nickel coin);
- (ix) section 9 (making, mending and having possession of coining implements); and
- (e) an offence under any of the following provisions of the *Customs and Excise Management Act 1986* —
  - (i) section 176 (counterfeiting documents, etc);
  - (ii) section 176A (prohibition on importation and exportation of false identity documents, etc).
- (3) The Group B offences are —
  - (a) conspiracy to commit a Group A offence;
  - (b) conspiracy to defraud;
  - (c) attempting to commit a Group A offence;
  - (d) incitement to commit a Group A offence.
- (4) The Department of Home Affairs may by order amend subsection (2) or (3) by adding or removing any offence.  
Tynwald procedure – approval required.
- (5) An order under subsection (4) may contain any consequential, incidental, supplementary, transitional and transitory provisions which the Department of Home Affairs considers necessary or expedient.<sup>63</sup>

## 26ZB Jurisdiction in respect of Group A offences

P1993/36/2 and drafting

- (1) Subject to subsection (2), for the purposes of this Part “relevant event”, in relation to any Group A offence, means any act or omission or other event (including any result of one or more acts or omissions) proof of which is required for conviction of the offence.
- (2) In relation to an offence under section 3 of the *Fraud Act 2017* (fraud), “relevant event” includes —
  - (a) if the fraud involved an intention to make a gain and the gain occurred, that occurrence;
  - (b) if the fraud involved an intention to cause a loss or to expose another to a risk of loss and the loss occurred, that occurrence.
- (3) For the purpose of determining whether or not a particular event is a relevant event in relation to a Group A offence, any question as to where it occurred is to be disregarded.
- (4) A person may be guilty of a Group A offence if any of the events which are relevant events in relation to the offence occurred in the Island.<sup>64</sup>

**26ZC Questions immaterial to jurisdiction in the case of certain offences**

P1993/36/3 and drafting

- (1) A person may be guilty of a Group A or Group B offence whether or not that person was —
  - (a) a British citizen at any material time;
  - (b) in the Island at any such time.
- (2) On a charge of conspiracy to commit a Group A offence, or on a charge of conspiracy to defraud in the Island, the defendant may be guilty of the offence whether or not —
  - (a) the defendant became a party to the conspiracy in the Island;
  - (b) any act or omission or other event in relation to the conspiracy occurred in the Island.
- (3) On a charge of attempting to commit a Group A offence, the defendant may be guilty of the offence whether or not —
  - (a) the attempt was made in the Island;
  - (b) it had an effect in the Island.
- (4) Subsection (1)(a) does not apply where jurisdiction is given to try the offence in question by an enactment which makes provision by reference to the nationality of the person charged.
- (5) Subsection (2) does not apply in relation to any charge of conspiracy brought by virtue of paragraphs 1 and 3 of Schedule 4 to the *Criminal Justice Act 2001*.
- (6) Subsection (3) does not apply in relation to any charge brought by virtue of section 26ZE.<sup>65</sup>

**26ZD Rules for determining certain jurisdictional questions relating to location of events**

P1993/36/4 and drafting

In relation to a Group A or Group B offence —

- (a) there is an obtaining of property in the Island if the property is either despatched from or received at a place in the Island; and
- (b) there is a communication in the Island of any information, instruction, request, demand or other matter if it is sent by any means —
  - (i) from a place in the Island to a place elsewhere; or
  - (ii) from a place elsewhere to a place in the Island.<sup>66</sup>

**26ZE Attempt**

P1981/47/1A and drafting

- (1) If this section applies to an act, what the person doing the act had in view shall be treated as an offence to which section 9 of the Criminal Law Act 1981 applies.
- (2) This section applies to an act if —
  - (a) it is done in the Island; and
  - (b) it would fall within section 9 of the *Criminal Law Act 1981* as more than merely preparatory to the commission of a Group A offence but for the fact that that offence, if completed, would not be an offence triable in the Island.
- (3) Subsection (1) above is subject to section 26ZG (relevance of external law).
- (4) Where a person does any act to which this section applies, the offence which he or she commits shall for all purposes be treated as the offence of attempting to commit the relevant Group A offence.<sup>67</sup>

**26ZF Conspiracy and incitement**

P1993/36/5(3)-(5) and drafting

- (1) A person may be guilty of conspiracy to defraud if —
  - (a) a party to the agreement constituting the conspiracy, or a party's agent, did anything in the Island in relation to the agreement before its formation;
  - (b) a party to it became a party in the Island (by joining it either in person or through an agent); or
  - (c) a party to it, or a party's agent, did or omitted anything in the Island in pursuance of it,and the conspiracy would be triable in the Island but for the fraud which the parties to it had in view not being intended to take place in the Island.
- (2) A person may be guilty of incitement to commit a Group A offence if the incitement —
  - (a) takes place in the Island; and
  - (b) would be triable in the Island but for what the person charged had in view not being an offence triable in the Island.
- (3) Subsections (1) and (2) are subject to section 26ZG.<sup>68</sup>

**26ZG Relevance of external law**

P1993/36/6 and drafting

- (1) A person is guilty of an offence triable by virtue of section 26ZF(1) only if the pursuit of the agreed course of conduct would at some stage involve —
  - (a) an act or omission by one or more of the parties; or

- (b) the happening of some other event,  
constituting an offence under the law in force where the act, omission or other event was intended to take place.
- (2) A person is guilty of an offence triable by virtue of section 26ZE or section 26ZF(2) only if what that person had in view would involve the commission of an offence under the law in force where the whole or any part of it was intended to take place.
- (3) Conduct punishable under the law in force in any place is an offence under that law for the purposes of this section, however it is described in that law.
- (4) Subject to subsection (6), a condition specified in subsection (1) or (2) shall be taken to be satisfied unless, not later than specified by the court, the defence serve on the prosecution a notice —
- (a) stating that, on the facts as alleged with respect to the relevant conduct, the condition is not in their opinion satisfied;
- (b) showing their grounds for that opinion; and
- (c) requiring the prosecution to show that it is satisfied.
- (5) In subsection (4) "the relevant conduct" means —
- (a) where the condition in subsection (1) is in question, the agreed course of conduct; and
- (b) where the condition in subsection (2) is in question, what the defendant had in view.
- (6) The court, if it thinks fit, may permit the defence to require the prosecution to show that the condition is satisfied without the prior service of a notice under subsection (4).
- (7) In the Court of General Gaol Delivery the question whether the condition is satisfied shall be decided by the Deemster alone.<sup>69</sup>

## **26ZH Application of Part 2A**

Nothing in any provision of this Part applies to any act, omission or other event occurring before the commencement of that provision.<sup>70</sup>

## **PART 3 – MISCELLANEOUS AND SUPPLEMENTAL**

### **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.
- (12) 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.<sup>71</sup>

## **26B Transfer of prisoner to assist investigation in the Island**

[P2003/32/48]

- (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 (“an overseas prisoner”) to be transferred to the Island for the purpose of assisting in the investigation of an offence.
- (2) The offence must be one which was or may have been committed in the Island.
- (3) This section applies to a person who is detained in custody in a country or territory outside the Island —
  - (a) by virtue of a sentence or order of a court exercising criminal jurisdiction there; or
  - (b) in consequence of having been transferred there from the Island under the Repatriation of Prisoners Act 1984 (an Act of Parliament having effect in the Island) or under any similar provision or arrangement from any other country.
- (4) A warrant may be issued in respect of an overseas prisoner under subsection (1) only if the appropriate authority provides a written

statement made by the prisoner consenting to the prisoner being transferred for the purpose mentioned in that subsection.

- (5) Such consent cannot be withdrawn after the issue of the warrant.
- (6) A warrant under this section authorises —
  - (a) the bringing of the prisoner to the Island;
  - (b) the taking of the prisoner to, and the detention of the prisoner in custody at, any place or places in the Island specified in the warrant;
  - (c) the returning of the prisoner to the country or territory from which the prisoner has come.
- (7) Subsections (7) to (10) of section 26A have effect in relation to a warrant issued under this section as they have effect in relation to a warrant issued under that section.
- (8) A person is not subject to the Immigration Act 1971 (an Act of Parliament having effect in the Island) in respect of that person's entry into or presence in the Island pursuant to a warrant under this section; but if the warrant ceases to have effect while the person is still in the Island —
  - (a) the person is to be treated for the purposes of that Act as if the person has then illegally entered the Island; and
  - (b) the provisions of Schedule 2 to that Act have effect accordingly except that paragraph 20(1) (liability of carrier for expenses of custody etc of illegal entrant) does not have effect in relation to directions for the person's removal given by virtue of this subsection.<sup>72</sup>

## 27 Offensive weapons

[P1988/33/141]

- (1) Any person who —
  - (a) manufactures, sells or hires or offers for sale or hire;
  - (b) exposes or has in his possession for the purpose of sale or hire; or
  - (c) lends or gives to any other person,a weapon to which this section applies shall be 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 both.<sup>73</sup>
- (2) The Department of Home Affairs may by order direct that this section shall apply to any description of weapon specified in the order except a firearm within the meaning of section 32(1) of the *Firearms Act 1947*.
- (3) An order under subsection (2) shall not come into operation unless it is approved by Tynwald.
- (4) The importation of a weapon to which this section applies is prohibited.

- (5) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this section applies —
- (a) with an offence under subsection (1); or
  - (b) with an offence under section 47(2) or (3) of the *Customs and Excise Management Act 1986* (improper importation),
- to prove that his conduct was only for the purposes of functions carried out on behalf of the Crown or of a visiting force.
- (6) In this section —
- “visiting force” means any body, contingent or detachment of the forces of a country —
- (a) mentioned in section 1(1)(a) of the Visiting Forces Act 1952 (an Act of Parliament);
  - (b) designated for the purposes of any provision of that Act by Order in Council under subsection (2) of that section,
- which, on the invitation of the Crown, is present in the Island (including the territorial waters of the Island) or in any place on, under or above any other waters, which is within 500 metres of an offshore installation within the meaning of section 1 of the *Mineral Workings (Offshore Installations) (Isle of Man) Act 1974*.
- (7) It shall be a defence for any person charged in respect of any conduct of his relating to a weapon to which this section applies —
- (a) with an offence under subsection (1); or
  - (b) with an offence under section 47(2) and (3) of the *Customs and Excise Management Act 1986*,
- to prove that the conduct in question was only for the purpose of making the weapon available to a museum or other institution which has as its purpose, or one of its purposes, the preservation, display and interpretation of material of historical, artistic or scientific interest and gives the public access to it.
- (8) If a person acting on behalf of such a museum or institution is charged with hiring or lending a weapon to which this section applies, it shall be a defence for him to prove that he had reasonable grounds for believing that the person to whom he lent or hired it would use it only for cultural, artistic or educational purposes.
- (9) This section shall not have effect in relation to anything done before it comes into force.

## **27A Offence of having article with blade or point in public place**

[P1988/33/139]

- (1) Subject to subsections (4) and (5), any person who has an article to which this section applies with him in a public place shall be guilty of an offence.

- (2) Subject to subsection (3), this section applies to any article which has a blade or is sharply pointed.
- (3) This section does not apply to a folding pocket knife if the cutting edge of its blade does not exceed 3 inches.
- (4) It shall be a defence for a person charged with an offence under this section to prove that he had good reason or lawful authority for having the article with him in a public place.
- (5) Without prejudice to the generality of subsection (4), it shall be a defence for a person charged with an offence under this section to prove that he had the article with him —
  - (a) for use at work;
  - (b) for religious reasons; or
  - (c) as part of a national costume.
- (6) A person guilty of an offence under subsection (1) shall be 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 both.<sup>74</sup>
- (7) A constable may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under subsection (1), if the constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any other offence in the course of committing which an offensive weapon might be used.
- (8) In this section "public place" includes any place to which at the material time the public have or are permitted access, whether on payment or otherwise.
- (9) This section shall not have effect in relation to anything done before it comes into force.<sup>75</sup>

**27B Offence of having article with blade or point (or offensive weapon) on school premises**

- (1) Any person who has an article to which section 27A applies with him on school premises shall be guilty of an offence.
- (2) Any person who has an offensive weapon within the meaning of section 1 of the *Prevention of Crime Act 1954* with him on school premises shall be guilty of an offence.
- (3) It shall be a defence for a person charged with an offence under subsection (1) or (2) to prove that he had good reason or lawful authority for having the article or weapon with him on the premises in question.

- (4) Without prejudice to the generality of subsection (3), it shall be a defence for a person charged with an offence under subsection (1) or (2) to prove that he had the article or weapon in question with him —
- (a) for use at work,
  - (b) for educational purposes,
  - (c) for religious reasons, or
  - (d) as part of any national costume.
- (5) A person guilty of an offence —
- (a) under subsection (1) above shall be liable —
    - (i) on summary conviction to custody for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both;<sup>76</sup>
    - (ii) on conviction on information, to custody for a term not exceeding 4 years, or a fine, or both;
  - (b) under subsection (2) above shall be liable —
    - (i) on summary conviction, to custody for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both;<sup>77</sup>
    - (ii) on conviction on information, to custody for a term not exceeding 4 years, or a fine, or both.
- (6) In this section and section 27C “**school premises**” means any land used for the purposes of any school, college or other educational establishment (excluding land occupied solely as a dwelling by a person employed at the school, college or other establishment), and also any land for the time being used for the purposes of a youth club provided, maintained or assisted by the Department of Education, Sport and Culture under section 36 of the *Education Act 2001*.<sup>78 79</sup>

### 27C Power of entry to search for articles with a blade or point and offensive weapons

- (1) A constable may enter school premises and search those premises and any person on those premises for —
- (a) any article to which section 27A applies, or
  - (b) any offensive weapon within the meaning of section 1 of the *Prevention of Crime Act 1954*,
- if he has reasonable grounds for believing that an offence under section 27B is being, or has been, committed.
- (2) If in the course of a search under this section a constable discovers an article or weapon which he has reasonable grounds for suspecting to be

an article or weapon of a kind described in subsection (1), he may seize and retain it.

- (3) The constable may use reasonable force, if necessary, in the exercise of the power of entry conferred by this section.<sup>80</sup>

## 28 Search warrants for offensive weapons

[P1988/33/142]

- (1) If on an application made by a constable a justice of the peace is satisfied that there are reasonable grounds for believing —
- (a) that there are on premises specified in the application —
    - (i) knives such as are mentioned in section 1(1) of the *Restriction of Offensive Weapons Act 1963*; or
    - (ii) weapons to which section 27 applies; and
  - (b) that an offence under section 1 of the *Restriction of Offensive Weapons Act 1963* or section 27 has been or is being committed in relation to them; and
  - (c) that any of the conditions specified in subsection (3) applies,
- he may issue a warrant authorising a constable to enter and search the premises using such reasonable force as is necessary.
- (2) A constable may seize and retain anything for which a search has been authorised under subsection (1).
- (3) The conditions mentioned in subsection (1)(c) are —
- (a) that it is not practicable to communicate with any person entitled to grant entry to the premises;
  - (b) that it is practicable to communicate with a person entitled to grant entry to the premises but it is not practicable to communicate with any person entitled to grant access to the knives or weapons to which the application relates;
  - (c) that entry to the premises will not be granted unless a warrant is produced;
  - (d) that the purpose of a search may be frustrated or seriously prejudiced unless a constable arriving at the premises can secure immediate entry to them.

## 29 [Repealed]<sup>81</sup>

## 30 Service of process in Island

[P1990/5/1]

- (1) This section has effect where the Attorney General receives from the government of, or other authority in, a country or territory outside the Island —

- (a) a summons or other process requiring a person to appear as defendant or attend as a witness in criminal proceedings in that country or territory; or
  - (b) a document issued by a court exercising criminal jurisdiction in that country or territory and recording a decision of the court made in the exercise of that jurisdiction,together with a request for it to be served on a person in the Island.
- (2) The Attorney General may cause the process or document to be served by post or, if the request is for personal service, direct the Chief Constable to cause it to be personally served on him.
- (3) Service by virtue of this section of any such process as is mentioned in subsection (1)(a) shall not impose any obligation under the law of the Island.
- (4) Any such process served by virtue of this section shall be accompanied by a notice —
  - (a) stating the effect of subsection (3);
  - (b) indicating that the person on whom it is served may wish to seek advice as to the possible consequences of his failing to comply with the process under the law of the country or territory where it was issued; and
  - (c) indicating that under that law he may not, as a witness, be accorded the same rights and privileges as would be accorded to him in criminal proceedings in the Island.
- (5) Where the Chief Constable is directed under this section to cause any process or document to be served he shall —
  - (a) after it has been served forthwith inform the Attorney General when and how it was served and (if possible) furnish him with a receipt signed by the person on whom it was served; or
  - (b) if the Chief Constable has been unable to cause the process or document to be served he shall forthwith inform the Attorney General of that fact and of the reason.
- (6) This section is without prejudice to the operation of any other statutory provision.

### **31 Service of process outside Island**

[P1990/5/2]

- (1) Process of the following descriptions, that is to say —
  - (a) a summons requiring a person charged with an offence to appear before a court in the Island; and



- (b) a summons or order requiring a person to attend before a court in the Island for the purpose of giving evidence in criminal proceedings,

may be issued or made notwithstanding that the person in question is outside the Island and may be served outside the Island in accordance with arrangements made by the Attorney General.

- (2) Service of any process outside the Island by virtue of this section shall not impose any obligation under the law of the Island to comply with it and accordingly failure to do so shall not constitute contempt of any court or be a ground for issuing a warrant to secure the attendance of the person in question.
- (3) Subsection (2) is without prejudice to the service of any process (with the usual consequences for noncompliance) on the person in question if subsequently effected in the Island.
- (4) This section is without prejudice to the operation of any other statutory provision.

### **32 Enforcement of external forfeiture orders**

[P1990/5/9]

- (1) The Department of Home Affairs may by order provide for the enforcement in the Island of any order which —
  - (a) is made by a court in a country or territory outside the Island designated for the purposes of this section by the order; and
  - (b) is for the forfeiture and destruction, or the forfeiture and other disposal, of anything in respect of which an offence to which this section applies has been committed or which was used, or intended for use, in connection with the commission of such an offence.<sup>82</sup>
- (2) Without prejudice to the generality of subsection (1), an order under this section may provide for the registration by the High Court of any order as a condition of its enforcement and prescribe requirements to be satisfied before an order can be registered.
- (3) An order under this section may include such supplementary and incidental provisions as appear to the Department of Home Affairs to be necessary or expedient and may apply for the purposes of the Order (with such modifications as appear to it to be appropriate) any provisions relating to confiscation or forfeiture orders under any other enactment.
- (4) An order under this section shall be laid before Tynwald as soon as is practicable after it is made and if Tynwald at the sitting at which it is so laid or at the next following sitting fails to approve the order it shall cease to have effect.

- (5) This section applies to any offence which corresponds to or is similar to an offence under the *Misuse of Drugs Act 1976* or to which the *Proceeds of Crime Act 2008* applies.<sup>83</sup>
- (6) An order under this section may authorise the making of rules of court for any purpose specified in the Order and shall require such rules to be laid before Tynwald.

### **33 Amendments: misuse etc of drugs**

- (1) The enactments specified in Schedule 3 (being enactments relating to drugs misuse etc.) are amended in accordance with that Schedule.
- (2) [Repealed]<sup>84</sup>

### **34 Amendments: miscellaneous**

The enactments specified in Schedule 4 (being miscellaneous enactments relating to the criminal law) are amended in accordance with that Schedule.

### **35 Repeals**

The enactments mentioned in Schedule 5 are repealed to the extent specified in column 3 of that Schedule.

### **36 Short title and commencement**

- (1) This Act may be cited as the Criminal Justice Act 1991.
- (2) This Act shall come into operation on such day as may be appointed by order of the Department of Home Affairs and different days may be appointed for different provisions and different purposes.<sup>85</sup>

**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.<sup>86</sup>~~

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.~~

## SCHEDULE 2

### PROCEEDINGS BEFORE THE HIGH BAILIFF UNDER SECTION 21

Section 21 [P1990/5/Sch 1]

#### *Securing attendance of witnesses*

1. The High Bailiff shall have the like powers for securing the attendance of a witness for the purpose of the proceedings as he has for the purpose of proceedings before a court of summary jurisdiction.

#### *Power to administer oaths*

2. The High Bailiff may in the proceedings take evidence or information on oath.<sup>87</sup>

#### *Privilege of witnesses*

3. (1) A person shall not be compelled to give in the proceedings any evidence or information which he could not be compelled to give —

- (a) in criminal proceedings in a court of summary jurisdiction; or
- (b) subject to sub-paragraph (2), in criminal proceedings in the country or territory from which the request for the evidence or information has come.<sup>88</sup>

(2) Sub-paragraph (1)(b) shall not apply unless the claim of the person questioned to be exempt from giving the evidence or information is conceded by the court, tribunal or authority which made the request.<sup>89</sup>

(3) Where such a claim made by any person is not conceded as aforesaid he may (subject to the other provisions of this paragraph) be required to give the evidence or information to which the claim relates but the evidence or information shall not be transmitted to the court, tribunal or authority which requested it if a court in the country or territory in question, on the matter being referred to it, upholds the claim.<sup>90</sup>

(4) Without prejudice to sub-paragraph (1) a person shall not be compelled under this Schedule to give any evidence or information if his doing so would be prejudicial to the security of the Island or the United Kingdom; and a certificate signed by or on behalf of the Chief Minister to the effect that it would be so prejudicial for that person to do so shall be conclusive evidence of that fact.<sup>91</sup>

(5) [Repealed]<sup>92</sup>

(6) In this paragraph references to giving evidence or information include references to answering any question and to producing any document or other article and the reference in sub-paragraph (3) to the transmission of evidence or information given by a person shall be construed accordingly.<sup>93</sup>

#### *Transmission of evidence or information<sup>94</sup>*

4. (1) The evidence or information received by the High Bailiff shall be furnished to the Attorney General for transmission to the tribunal or authority that made the request.<sup>95</sup>

(2) If in order to comply with the request it is necessary for the evidence or information to be accompanied by any certificate, affidavit or other verifying document, the High Bailiff shall also furnish for transmission such document of that nature as may be specified in the application.<sup>96</sup>

(3) Where the evidence or information consists of a document the original or a copy shall be transmitted, and where it consists of any other article the article itself or a description, photograph or other representation of it shall be transmitted, as may be necessary in order to comply with the request.<sup>97</sup>

#### *Supplementary*

5. For the avoidance of doubt it is hereby declared that the *Bankers' Books Evidence Act 1935* applies to the proceedings as it applies to other proceedings before a court.

*Costs*

6. No order for costs shall be made in the proceedings.

Provisional consolidation for reference purpose only

## **SCHEDULE 3**

### **AMENDMENTS RELATING TO MISUSE ETC. OF DRUGS**

Section 33 [P1990/5/12- 21 and 23- 29]

[Sch 3 amended by Drug Trafficking Act 1996 Sch 3, and amends the following Act —

Misuse of Drugs Act 1976 q.v.]

## **SCHEDULE 4**

### **MISCELLANEOUS AMENDMENTS TO CRIMINAL JUSTICE ACTS**

Section 34

[Sch 4 amended by Criminal Jurisdiction Act 1993 Sch 4, by Custody Act 1995 Sch 5 and by Mental Health Act 1998 Sch 6, and amends —

Criminal Code 1872 q.v.

Bail Act 1952 q.v.

Criminal Justice Act 1963 q.v.

Jury Act 1980 q.v.

Theft Act 1981 q.v.

Summary Jurisdiction Act 1989 q.v.

Criminal Justice Act 1990 q.v.]

## **SCHEDULE 5**

### **REPEAL OF ENACTMENTS**

Section 135

[Sch 5 repeals the following Acts in part —

Evidence Act 1871

Criminal Evidence Act 1946

Judicature (Matrimonial Causes) Act 1965

Children and Young Persons Act 1966

Criminal Law Act 1981

Theft Act 1981

Criminal Law (Amendment) Act 1985

Family Income Supplements Act 1985

Summary Jurisdiction Act 1989  
Criminal Justice Act 1990.]

Provisional consolidation for reference purpose only



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

- <sup>1</sup> S 1 repealed by Criminal Evidence Act 2019 s 40.
- <sup>2</sup> S 2 repealed by Criminal Evidence Act 2019 s 40.
- <sup>3</sup> S 3 repealed by Criminal Evidence Act 2019 s 40.
- <sup>4</sup> S 4 repealed by Criminal Evidence Act 2019 s 40.
- <sup>5</sup> S 5 repealed by Criminal Evidence Act 2019 s 40.
- <sup>6</sup> S 6 repealed by Criminal Evidence Act 2019 s 40.
- <sup>7</sup> Definition of “confession” repealed by Criminal Evidence Act 2019 s 40.
- <sup>8</sup> S 12 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- <sup>9</sup> Subs (1) amended by Civil Partnership Act 2011 Sch 14.
- <sup>10</sup> Subs (2) amended by Civil Partnership Act 2011 Sch 14.
- <sup>11</sup> Para (a) amended by Civil Partnership Act 2011 Sch 14.
- <sup>12</sup> Para (aa) inserted by Sexual Offences Act 1992 Sch 3 and amended by Civil Partnership Act 2011 Sch 14.
- <sup>13</sup> Para (c) amended by Sexual Offences Act 1992 Sch 3.
- <sup>14</sup> Subs (4) amended by Civil Partnership Act 2011 Sch 14.
- <sup>15</sup> Subs (5) amended by Civil Partnership Act 2011 Sch 14.
- <sup>16</sup> Subs (5A) inserted by Civil Partnership Act 2011 Sch 14.
- <sup>17</sup> Subs (7) substituted by Sexual Offences Act 1992 Sch 3 and amended by Sexual Offences and Obscene Publications Act 2021 Sch 5.
- <sup>18</sup> S 15 amended by Civil Partnership Act 2011 Sch 14. Subs (8) amended by Civil Partnership Act 2011 Sch 14.
- <sup>19</sup> Ss 17 and 18 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- <sup>20</sup> Subs (1) substituted by Criminal Evidence Act 2019 s 40.

- <sup>21</sup> Cross-heading substituted by Criminal Justice Acts Amendment Act 2011 s 3(a).
- <sup>22</sup> S 19A inserted by Criminal Justice Acts Amendment Act 2011 s 3(a).
- <sup>23</sup> Subs (1) amended by Criminal Justice Acts Amendment Act 2011 s 3(b) and by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.
- <sup>24</sup> Para (a) amended by Criminal Justice Acts Amendment Act 2011 s 3(b).
- <sup>25</sup> Subs (5) amended by Criminal Justice Acts Amendment Act 2011 s 3(b).
- <sup>26</sup> Subs (6) amended by Criminal Justice Acts Amendment Act 2011 s 3(b).
- <sup>27</sup> Para (b) amended by Criminal Justice Acts Amendment Act 2011 s 3(b).
- <sup>28</sup> Subs (8) amended by Criminal Justice Acts Amendment Act 2011 s 3(b).
- <sup>29</sup> S 20 amended by Criminal Justice Acts Amendment Act 2011 s 3(b).
- <sup>30</sup> Subs (1) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>31</sup> Subs (2) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>32</sup> Subs (3) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>33</sup> Subs (5) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>34</sup> Subs (7) repealed by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.
- <sup>35</sup> Para (a) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>36</sup> Para (b) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>37</sup> Subs (8) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>38</sup> Para (c) repealed by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.
- <sup>39</sup> Subs (9) amended by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>40</sup> Definition of “criminal proceedings” repealed by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>41</sup> S 21 substituted by Proceeds of Crime Act 2008 Sch 6 and amended by Criminal Justice Acts Amendment Act 2011 s 3(c). Definition of “evidence” repealed by Criminal Justice Acts Amendment Act 2011 s 3(c).
- <sup>42</sup> Subs (1) amended by Criminal Justice Acts Amendment Act 2011 s 3(d).
- <sup>43</sup> Para (a) amended by Fines and Penalties Act 2024 Sch 5.
- <sup>44</sup> Para (a) amended by Fines and Penalties Act 2024 Sch 5.
- <sup>45</sup> S 21A inserted by Proceeds of Crime Act 2008 Sch 6.
- <sup>46</sup> Para (a) substituted by Criminal Justice Acts Amendment Act 2011 s 3(e).
- <sup>47</sup> Para (b) amended by Police Powers and Procedures Act 1998 Sch 4 and by Criminal Justice, Police Powers and Other Amendments Act 2014 Sch 3.
- <sup>48</sup> Para (c) amended by Police Powers and Procedures Act 1998 Sch 4, by Criminal Justice Acts Amendment Act 2011 s 3(e) and by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.
- <sup>49</sup> Subs (1) amended by Criminal Justice Acts Amendment Act 2011 s 3(e) and by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.
- <sup>50</sup> Subs (1A) inserted by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.
- <sup>51</sup> Subs (1B) inserted by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.

<sup>52</sup> Subs (1C) inserted by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.

<sup>53</sup> Subs (1D) inserted by Criminal Justice, Police Powers and Other Amendments Act 2014 s 14.

<sup>54</sup> Subs (2) amended by Criminal Justice Acts Amendment Act 2011 s 3(e).

<sup>55</sup> Subs (3) amended by Criminal Justice Acts Amendment Act 2011 s 3(e).

<sup>56</sup> Subs (4) amended by Criminal Justice Acts Amendment Act 2011 s 3(e).

<sup>57</sup> Subs (5) amended by Criminal Justice Acts Amendment Act 2011 s 3(e).

<sup>58</sup> Definition of “items subject to legal privilege” repealed by Police Powers and Procedures Act 1998 Sch 4.

<sup>59</sup> Subs (7) added by Police Powers and Procedures Act 1998 Sch 4.

<sup>60</sup> Subs (5) added by Proceeds of Crime Act 2008 Sch 7.

<sup>61</sup> Ss 24 to 26 repealed by Criminal Jurisdiction Act 1993 Sch 4.

<sup>62</sup> Part 2A inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>63</sup> S 26ZA inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>64</sup> S 26ZB inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>65</sup> S 26ZC inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>66</sup> S 26ZD inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>67</sup> S 26ZE inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>68</sup> S 26ZF inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>69</sup> S 26ZG inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>70</sup> S 26ZH inserted by Anti-Money Laundering and Other Financial Crime (Miscellaneous Amendments) Act 2018 s 5.

<sup>71</sup> S 26A inserted by Proceeds of Crime Act 2008 Sch 6.

<sup>72</sup> S 26B inserted by Proceeds of Crime Act 2008 Sch 6.

<sup>73</sup> Subs (1) amended by Fines and Penalties Act 2024 Sch 5.

<sup>74</sup> Subs (6) amended by Fines and Penalties Act 2024 Sch 5.

<sup>75</sup> S 27A inserted by Criminal Justice Act 1996 s 5.

<sup>76</sup> Subpara (i) amended by Fines and Penalties Act 2024 Sch 5.

<sup>77</sup> Subpara (i) amended by Fines and Penalties Act 2024 Sch 5.

<sup>78</sup> Subs (6) substituted by Education Act 2001 Sch 10 and amended by SD155/10 Sch 10 and by SD2017/0325.

<sup>79</sup> S 27B inserted by Criminal Justice Act 2001 s 19.

<sup>80</sup> S 27C inserted by Criminal Justice Act 2001 s 19.

<sup>81</sup> S 29 repealed by Children and Young Persons (Sale of Addictive and Intoxicating Substances) Act 1999 s 3.

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- <sup>82</sup> Para (b) amended by Criminal Justice Act 1996 Sch 2.
- <sup>83</sup> Subs (5) substituted by Proceeds of Crime Act 2008 Sch 7.
- <sup>84</sup> Subs (2) repealed by Drug Trafficking Act 1996 Sch 3.
- <sup>85</sup> ADO (ss 27 to 36, Sch 3, Sch 4 (paras 1 to 5, 9, 11, 12, 15, 16), Sch 5 (the entries relating to the Criminal Law (Amendment) Act 1985 and the Criminal Justice Act 1990)) 1/1/1992; (ss 1 to 26, Sch 1 and 2, Sch 4 (paras 6 to 8, 10, 13, 14), Sch 5 (the remainder) 1/4/1992 (GC438/91).
- <sup>86</sup> Subpara (b) amended by Fines and Penalties Act 2024 Sch 5.
- <sup>87</sup> Para 2 amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>88</sup> Subpara (1) amended by Criminal Justice Acts Amendment Act 2011 s 3(f). Item (b) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>89</sup> Subpara (2) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>90</sup> Subpara (3) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>91</sup> Subpara (4) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>92</sup> Subpara (5) repealed by Proceeds of Crime Act 2008 Sch 9.
- <sup>93</sup> Subpara (6) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>94</sup> Cross-heading amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>95</sup> Subpara (1) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>96</sup> Subpara (2) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).
- <sup>97</sup> Subpara (3) amended by Criminal Justice Acts Amendment Act 2011 s 3(f).