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AT 3 of 2007

**CRIMINAL JUSTICE, POLICE AND
COURTS ACT 2007**

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 Reform (Amendment) Bill 2025 (JRAB) once these take effect.

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CRIMINAL JUSTICE, POLICE AND COURTS ACT 2007

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CRIMINAL JUSTICE, POLICE AND COURTS ACT 2007

<i>Received Royal Assent:</i>	<i>11 July 2007</i>
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AN ACT to make new provision relating to criminal justice, the police, criminal courts and emergency powers; to amend enactments relating to those matters; and for other purposes.

PART 1 – SEXUAL OFFENCES AND OFFENDERS

1 Amends Criminal Justice Act 2001

[Amends Schedule 1 to the *Criminal Justice Act 2001* as follows:- paragraph (a) inserts paragraph 3A; paragraph (b) amends paragraph 4(1) by substituting the words from “he shall be liable” to the end and by inserting paragraph 4(3); paragraph (c) amends paragraph (5)(2) by substituting “3, 3A and 4 and regulations under paragraph 3A” for “3 and 4”; paragraph (c) amends paragraph (5)(2)(a) by inserting “and 3A and regulations under that paragraph” after “3”; and paragraph (c) amends paragraph 5(3) by inserting “and (3)” after “4(1)”.]

2 [Amends Schedule 3 to the *Criminal Justice Act 2001* by inserting paragraph 5A.]

PART 2 – WEAPONS

3 Amendments

(1) [Amends the *Firearms Act 1947* as follows: paragraph (a) inserts section 23A; paragraph (b) amends section 26(1)(b) by inserting “, imitation firearm” after “firearm”; paragraph (c) amends section 26(3) by inserting “, imitation firearm” after “firearm”.]

- (2) [Amends the *Firearms Act 1968* as follows: paragraph (a) substitutes in section 2 the words “firearm (whether loaded or not) or any imitation firearm shall” for the words from “loaded shot” to “firearm shall”; paragraph (b) inserts in section 3 “or imitation firearm” after “firearm”; and paragraph (c) inserts in section 4 “or imitation firearm” after “firearm”.]
- (3) [Amends section 27(2) of the *Police Powers and Procedures Act 1998* by adding paragraph (j).]

PART 3 – ANTI-SOCIAL BEHAVIOUR

4 Amendments

- (1) [Amends section 28 of the *Criminal Justice Act 2001* as follows: paragraph (a) amends subsection (1)(a) by repealing the words “or was likely to cause”; paragraph (b) amends subsection (1)(b) by inserting “or a particular area or locality within the Island” after “in the Island”; paragraph (c) amends subsection (2) by inserting “and the Department of Health and Social Security” after “relevant authority” ; paragraph (d) inserts subsections (3A) and (3B); paragraph (e) amends subsection (10) by inserting “or an interim order under subsection (3A)” after “anti-social behaviour order”; paragraph (f) amends subsection (12) by adding at the end “or such other persons or bodies as the Department of Home Affairs may by order specify”; and paragraph (g) adds subsections (13) and (14).
- (2) [Amends Schedule 3 to the *Legal Aid Act 1986* by inserting entries 1A and 1B.]

5 [Inserts section 28A in the *Criminal Justice Act 2001*.]

6 [Amends section 7 of the *Protection from Harassment Act 2000* by substituting subsection (2).]

PART 4 – AMENDMENTS TO LICENSING ACT 1995

7 Amends *Licensing Act 1995*

[Amends section 8 of the *Licensing Act 1995* as follows: paragraph (a) substitutes subsection (1); paragraph (b) inserts subsections (1A), (1B), (1C), (1D), (1E), (1F), (1G) and (1H); paragraph (c) substitutes subsection (3); paragraph (d) inserts subsection (3A); paragraph (e) substitutes subsection (4); paragraph (f) inserts subsections (4A) and (4B); and paragraph (g) substitutes subsection (5).]

8 Amends *Licensing Act 1995*

[Amends section 25 of the *Licensing Act 1995* as follows: paragraph (a) substitutes subsection (2); and paragraph (b) substitutes subsection (6).]

9 Amends *Licensing Act 1995*

[Amends the *Licensing Act 1995* as follows: subsection (1) inserts section 25A; and subsection (2) amends section 80(1) by inserting the definitions of “business” and “premises”.]

10 Amends *Licensing Act 1995*

[Amends the *Licensing Act 1995* as follows: subsection (1) substitutes in sections 9(5)(b) and 66(1) “a designated official” for “the designated official”; and subsection (2) substitutes in section 80 the definition of “a designated official” for the definition of “the designated official”.]

PART 5 – POLICE**11 [Amends section 2 of the *Police Act 1993* by inserting subsection (4A).]****12 [Amends section 8 of the *Police Act 1993* by adding subsection (4).]****PART 6 – POLICE POWERS AND PROCEDURES****13 Amends *Police Powers and Procedures Act 1998***

[Amends section 58 of the *Police Powers and Procedures Act 1998* as follows: paragraph (a) inserts subsections (3A) and (3B); paragraph (b) inserts subsection (11A); paragraph (c) amends subsection (12) by substituting “subsections (11) and (11A)” for “subsection (11)”; and paragraph (d) inserts subsection (14A).]

14 [Amends section 66 of the *Police Powers and Procedures Act 1998* by inserting subsection (7A).]**15 Amends *Police Powers and Procedures Act 1998***

[Amends section 69 of the *Police Powers and Procedures Act 1998* as follows: paragraph (a) inserts “(1)” at the beginning; paragraph (b) inserts the definition of “analysis”, substitutes paragraph (e) in the definition of “non-intimate sample” and inserts the definition of “skin impression”; and paragraph (c) adds subsection (2).]

16 [Inserts section A77 in the *Police Powers and Procedures Act 1998*.]

17 **Amends *Police Powers and Procedures Act 1998***

[Amends section 67(1) of the *Police Powers and Procedures Act 1998* by inserting “impression of footwear” after “fingerprints”, in both places where the word occurs.]

PART 7 – SUMMARY COURTS

18 [Amends section 16(5) of the *Summary Jurisdiction Act 1989* by substituting “12 months” for “6 months”.]

19 **Amends *Summary Jurisdiction Act 1989***

[Amends section 24 of the *Summary Jurisdiction Act 1989* as follows: paragraph (a) substitutes in subsection (1) “12 months” for “6 months”; paragraph (b) repeals subsection (2); and paragraph (c) substitutes in subsection (3) “does” for “and (2) do”.]

20 [Substitutes section 33 of and inserts section 33A in the *Summary Jurisdiction Act 1989*.]

21 [Inserts section 36A in the *Summary Jurisdiction Act 1989*.]

22 [Amends section 90 of the *Summary Jurisdiction Act 1989* by substituting “14 days” for “7 days”.]

23 **Amends *Criminal Law Act 1981***

[Amends section 17 of the *Criminal Law Act 1981* as follows: paragraph (a) substitutes subsection (1); and paragraph (b) substitutes in subsection (2) “the court” for “the Court of General Gaol Delivery”.]

24 **Confiscation of uninsured vehicles**

[S 24 (never operative) repealed by *Road Traffic and Highways (Miscellaneous Amendments) Act 2012* s 54(d).]

PART 8 – PROTECTION OF WITNESSES AND JURORS

Witnesses, jurors, etc protection

25 Intimidation: police investigations, etc

[P1994/33/51]

- (1) A person (“A”) commits an offence if —
 - (a) A does an act which intimidates, and is intended to intimidate, another person (“the victim”);
 - (b) A does the act knowing or believing that the victim is assisting in the investigation of an offence or is a witness or potential witness or a juror or potential juror in proceedings for an offence; and
 - (c) A does it intending thereby to cause the investigation or the course of justice to be obstructed, perverted or interfered with.
- (2) A person (“A”) commits an offence if —
 - (a) A does an act which harms, and is intended to harm, another person, or, intending to cause another person to fear harm, A threatens to do an act which would harm that other person;
 - (b) A does or threatens to do the act knowing or believing that the person harmed or threatened to be harmed (“the victim”), or some other person, has assisted in an investigation into an offence or, given evidence or particular evidence in proceedings for an offence, has acted as a juror or concurred in a particular verdict in proceedings for an offence; and
 - (c) A does or threatens to do it because of that knowledge or belief.
- (3) For the purposes of subsections (1) and (2) it is immaterial that the act is or would be done, or that the threat is made —
 - (a) otherwise than in the presence of the victim; or
 - (b) to a person other than the victim.
- (4) The harm that may be done or threatened may be financial as well as physical (whether to the person or a person’s property) and similarly as respects an intimidatory act which consists of threats.
- (5) The intention required by subsection (1)(c) and the motive required by subsection (2)(c) need not be the only or the predominating intention or motive with which the act is done or, in the case of subsection (2), threatened.
- (6) A person guilty of an offence under this section shall be liable —
 - (a) on conviction on information, to custody for a term not exceeding 7 years or a fine or both;

- (b) 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.¹
- (7) If, in proceedings against a person for an offence under subsection (1), it is proved that the person did an act falling within paragraph (a) with the knowledge or belief required by paragraph (b), the person shall be presumed, unless the contrary is proved, to have done the act with the intention required by paragraph (c) of that subsection.
- (8) If, in proceedings against a person ("A") for an offence under subsection (2), it is proved that within the relevant period —
- (a) that A did an act which harmed, and was intended to harm, another person; or
- (b) intending to cause another person fear of harm, A threatened to do an act which would harm that other person,
- and that A did the act, or (as the case may be) threatened to do the act, with the knowledge or belief required by paragraph (b), A shall be presumed, unless the contrary is proved, to have done the act or (as the case may be) threatened to do the act with the motive required by paragraph (c) of that subsection.
- (9) In this section —
- "investigation into an offence" means such an investigation by the police or other person charged with the duty of investigating offences or charging offenders;
- "offence" includes an alleged or suspected offence;
- "potential", in relation to a juror, means a person who has been summoned for jury service at the court at which proceedings for the offence are pending; and
- "the relevant period" —
- (a) in relation to a witness or juror in any proceedings for an offence, means the period beginning with the institution of the proceedings and ending with the first anniversary of the conclusion of the trial or, if there is an appeal, of the conclusion of the appeal;
- (b) in relation to a person who has, or is believed by the accused to have, assisted in an investigation into an offence, but was not also a witness in proceedings for an offence, means the period of one year beginning with any act of that person, or any act believed by the accused to be an act of that person, assisting in the investigation; and
- (c) in relation to a person who both has, or is believed by the accused to have, assisted in the investigation into an offence and was a witness in proceedings for the offence, means the period beginning with any act of that person, or any act believed by the accused to

be an act of that person, assisting in the investigation and ending with the anniversary mentioned in paragraph (a).

- (10) For the purposes of the definition of the relevant period in subsection (9) —
- (a) proceedings for an offence are instituted at the earliest of the following times —
 - (i) when a justice of the peace issues a summons or warrant under section 4 of the *Summary Jurisdiction Act 1989* in respect of the offence;
 - (ii) when a person is charged with the offence after being taken into custody without a warrant;
 - (iii) when an information is preferred by virtue of section 2(3)(b) or (c) of the *Criminal Jurisdiction Act 1993*;
 - (b) proceedings at a trial of an offence are concluded with the occurrence of any of the following; the discontinuance of the prosecution, the discharge of the jury without a finding, the acquittal of the accused or the sentencing of or other dealing with the accused for the offence of which the accused was convicted; and
 - (c) proceedings on an appeal are concluded on the determination of the appeal or the abandonment of the appeal.
- (11) This section is in addition to, and not in derogation of, any other offence.

26 Intimidation of witnesses

[P2001/16/39]

- (1) A person (“A”) commits an offence if —
- (a) A does an act which intimidates, and is intended to intimidate, another person (“the victim”);
 - (b) A does the act —
 - (i) knowing or believing that the victim is or may be a witness in any relevant proceedings; and
 - (ii) intending, by A’s act, to cause the course of justice to be obstructed, perverted or interfered with; and
 - (c) the act is done after the commencement of those proceedings.
- (2) For the purposes of subsection (1) it is immaterial —
- (a) whether or not the act that is done is done in the presence of the victim;
 - (b) whether that act is done to the victim or to another person; and
 - (c) whether or not the intention to cause the course of justice to be obstructed, perverted or interfered with is the predominating intention of the person doing the act in question.

- (3) If, in proceedings against a person ("A") for an offence under this section, it is proved —
- (a) that A did any act that intimidated, and was intended to intimidate, another person; and
 - (b) that A did that act knowing or believing that that other person was or might be a witness in any relevant proceedings that had already commenced,
- A shall be presumed, unless the contrary is shown, to have done the act with the intention of causing the course of justice to be obstructed, perverted or interfered with.
- (4) A person guilty of an offence under this section shall be liable —
- (a) on conviction on information, to custody for a term not exceeding 7 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.²
- (5) References in this section to a witness, in relation to any proceedings, include references to a person who provides, or is able to provide, any information or any document or other thing which might be used as evidence in those proceedings or which (whether or not admissible as evidence in those proceedings) —
- (a) might tend to confirm evidence which will be or might be admitted in those proceedings;
 - (b) might be referred to in evidence given in those proceedings by another witness; or
 - (c) might be used as the basis for any cross examination in the course of those proceedings.
- (6) References in this section to doing an act include references to issuing any threat (whether against a person or a person's finances or property or otherwise), or making any other statement.
- (7) This section is in addition to, and not in derogation of, any other offence.

27 Harming witnesses etc

[P2001/16/40]

- (1) A person ("A") commits an offence if, in circumstances falling within subsection (2) —
- (a) A does an act which harms, and is intended to harm, another person; or
 - (b) intending to cause another person to fear harm, A threatens to do an act which would harm that other person.
- (2) The circumstances fall within this subsection if —

- (a) the person doing or threatening to do the act does so knowing or believing that some person (whether or not the person harmed or threatened or the person against whom harm is threatened) has been a witness in relevant proceedings; and
 - (b) the person does or threatens to do that act because of that knowledge or belief.
- (3) If, in proceedings against a person ("A") for an offence under this section, it is proved that, within the relevant period –
 - (a) A did an act which harmed, and was intended to harm, another person; or
 - (b) intending to cause another person to fear harm, A threatened to do an act which would harm that other person,and that A did the act, or (as the case may be) threatened to do the act, with the knowledge or belief required by paragraph (a) of subsection (2), A shall be presumed, unless the contrary is shown, to have done the act, or (as the case may be) threatened to do the act, because of that knowledge or belief.
- (4) For the purposes of this section it is immaterial –
 - (a) whether or not the act that is done or threatened, or the threat that is made, is or would be done or is made in the presence of the person who is or would be harmed or of the person who is threatened;
 - (b) whether or not the motive mentioned in subsection (2)(b) is the predominating motive for the act or threat; and
 - (c) whether the harm that is done or threatened is physical or financial or is harm to a person or to a person's property.
- (5) A person guilty of an offence under this section shall be liable –
 - (a) on conviction on indictment, to custody for a term not exceeding 7 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.³
- (6) In this section "the relevant period", in relation to an act done, or threat made, with the knowledge or belief that a person has been a witness in any relevant proceedings, means the period that begins with the commencement of those proceedings and ends one year after they are finally concluded.
- (7) References in this section to a witness, in relation to any proceedings, include references to a person who has provided any information or any document or other thing which was or might have been used as evidence in those proceedings or which (whether or not it was admissible as evidence in those proceedings) –

- (a) tended to confirm or might have tended to confirm any evidence which was or could have been given in those proceedings;
 - (b) was or might have been referred to in evidence given in those proceedings by another witness; or
 - (c) was or might have been used as the basis for any cross examination in the course of those proceedings.
- (8) This section is in addition to, and not in derogation of, any other offence.

28 Relevant proceedings

[P2001/16/41]

- (1) A reference in section 26 or 27 to relevant proceedings is a reference to any proceedings in or before the High Court, the Court of General Gaol Delivery or any court of summary jurisdiction which —
- (a) are not proceedings for an offence; and
 - (b) were commenced after the coming into force of that section.
- (2) For the purposes of any reference in section 26 or 27 or in this section to the commencement of any proceedings, relevant proceedings are commenced (subject to subsection (5)) at the earliest time at which one of the following occurs —
- (a) a complaint is made or application, petition, summons or other process made or issued for the purpose of commencing the proceedings;
 - (b) any other step is taken by means of which the subject matter of the proceedings is brought for the first time (whether as part of the proceedings or in anticipation of them) before the court.
- (3) For the purposes of any reference in section 26 or 27 to the time when any proceedings are finally concluded, relevant proceedings are finally concluded (subject to subsection (4)) —
- (a) if proceedings for an appeal against, or an application for a review of, those proceedings or of any decision taken in those proceedings are brought or is made, at the time when proceedings on that appeal or application are finally concluded;
 - (b) if the proceedings are withdrawn or discontinued, at the time when they are withdrawn or discontinued; and
 - (c) in any other case, when the court in or before which the proceedings are brought finally disposes of all the matters arising in those proceedings.
- (4) Relevant proceedings shall not be taken to be finally concluded by virtue of subsection (3)(a) where —
- (a) the matters to which the appeal or application relate are such that the proceedings in respect of which it is brought or made continue

- or resume after the making of any determination on that appeal or application; or
- (b) a determination made on that appeal or application requires those proceedings to continue or to be resumed.
- (5) Where, after having appeared to be finally concluded, any relevant proceedings continue by reason of —
- (a) the giving of permission to bring an appeal after a fixed time for appealing has expired;
 - (b) the lifting of any stay in the proceedings;
 - (c) the setting aside, without an appeal, of any judgment or order; or
 - (d) the revival of any discontinued proceedings,

sections 26 or 27 and this section shall have effect as if the proceedings had concluded when they appeared to, but as if the giving of permission, the lifting of the stay, the setting aside of the judgment or order or, as the case may be, the revival of the discontinued proceedings were the commencement of new relevant proceedings.

PART 8A - COURT SECURITY OFFICERS⁴

28A Court security officers

- (1) The Chief Registrar may make arrangements for the appointment of persons to exercise the functions of court security officers under this Part.
- (2) Arrangements under subsection (1) may include entering into contracts with other persons for the provision by them of persons to exercise those functions.
- (3) Before making any arrangements under subsection (1) the Chief Registrar must consult the Department of Home Affairs and the Chief Constable, and may consult such other persons as he or she considers appropriate.
- (4) The Chief Registrar may designate a person appointed or provided under subsection (1) or (2) as a court security officer.
- (5) A person designated under this section, when exercising any function of a court security officer, must act under the direction and control of the Chief Registrar.
- (6) The Chief Registrar must not designate a person under this section unless he or she is satisfied that that person —
 - (a) is a suitable person to carry out the functions of a court security officer;
 - (b) is capable of effectively carrying out those functions; and
 - (c) has received adequate training in the carrying out of those functions.

- (7) For the purposes of sections 28B to 28E, a court security officer who is not readily identifiable as such (whether by means of uniform or badge or otherwise) is not to be regarded as acting in the execution of the officer's duty.

- (8) In those sections —

"court building" means any building to which the public has access and where the business of any of the following courts is carried on —

- (a) the High Court;
- (b) a Court of General Gaol Delivery;
- (c) a court of summary jurisdiction;

"court security officer" means a person designated as such under this section.⁵

28B Powers of search, exclusion, removal and restraint

- (1) A court security officer acting in the execution of the officer's duty may search —
- (a) any person who is in, or seeking to enter, a court building; and
 - (b) any article in the possession of such a person.
- (2) Subsection (1) does not authorise a court security officer to require a person to remove any of the person's clothing other than a coat, jacket, headgear, gloves or footwear.
- (3) A court security officer acting in the execution of the officer's duty may exclude or remove from a court building, or a part of a court building, any person who refuses —
- (a) to permit a search under subsection (1); or
 - (b) to surrender an article in the person's possession when asked to do so under section 28C(1).
- (4) A court security officer acting in the execution of the officer's duty may —
- (a) restrain any person who is in a court building; or
 - (b) exclude or remove any person from a court building, or a part of a court building,
- if it is reasonably necessary to do so for one of the purposes given in subsection (5).
- (5) The purposes are —
- (a) enabling court business to be carried on without interference or delay;
 - (b) maintaining order;
 - (c) securing the safety of any person in the court building.

- (6) A court security officer acting in the execution of the officer's duty may remove any person from a courtroom at the request of a judge of the court in question.
- (7) The powers given by subsections (3), (4) and (6) include power to use reasonable force, where necessary.⁶

28C Surrender, seizure and retention of knives and other articles

- (1) If a court security officer acting in the execution of the officer's duty reasonably believes that an article in the possession of a person who is in, or seeking to enter, a court building ought to be surrendered on any of the grounds given in subsection (2), the officer must ask the person to surrender the article; and, if the person refuses to surrender the article, the officer may seize it.
- (2) The grounds are that the article —
 - (a) may jeopardise the maintenance of order in the court building (or a part of it);
 - (b) may put the safety of any person in the court building at risk; or
 - (c) may be evidence of, or in relation to, an offence.
- (3) Subject to subsection (4), a court security officer may retain an article which was —
 - (a) surrendered in response to a request under subsection (1); or
 - (b) seized under that subsection,until the time when the person who surrendered it, or from whom it was seized, is leaving the court building.
- (4) If a court security officer reasonably believes that the article may be evidence of, or in relation to, an offence, the officer may retain it until —
 - (a) the time when the person who surrendered it, or from whom it was seized, is leaving the court building; or
 - (b) the end of the permitted period,whichever is the later.
- (5) In subsection (4) "the permitted period" means such period, not exceeding 24 hours from the time the article was surrendered or seized, as will enable the court security officer to draw the article to the attention of a constable.
- (6) Subsections (3) to (5) do not apply where a knife is —
 - (a) surrendered to a court security officer in response to a request under subsection (1); or
 - (b) seized by a court security officer under that subsection,

but, instead, the knife must be retained in accordance with rules under section 28D(3) unless returned or disposed of in accordance with those rules or rules under section 28D(1).

- (7) If a court security officer reasonably believes that a retained knife may be evidence of, or in relation to, an offence, nothing in subsection (6) prevents the officer retaining the knife for so long as necessary to enable the officer to draw it to the attention of a constable.
- (8) In this section “knife” includes —
 - (a) a knife-blade; and
 - (b) any other article which —
 - (i) has a blade or is sharply pointed; and
 - (ii) is made or adapted for use for causing injury to the person.⁷

28D Rules about retention of knives and other articles

- (1) The Deemsters may by rules make provision as to —
 - (a) the provision to persons —
 - (i) by whom articles have been surrendered in response to a request under subsection (1) of section 28C; or
 - (ii) from whom articles have been seized under that subsection, of written information about the powers of retention of court security officers;
 - (b) the keeping of records about articles which have been so surrendered or seized;
 - (c) the period for which unclaimed articles have to be kept; and
 - (d) the disposal of unclaimed articles at the end of that period.
- (2) In subsection (1) “unclaimed article” means an article —
 - (a) which has been retained under section 28C;
 - (b) which a person is entitled to have returned;
 - (c) which has not been returned; and
 - (d) whose return has not been requested by a person entitled to it.
- (3) Without prejudice to the generality of subsection (1), the Deemsters must by rules make provision as to —
 - (a) the procedure to be followed when a knife is retained under section 28C;
 - (b) the making of requests by eligible persons for the return of knives so retained;
 - (c) the procedure to be followed when returning a knife pursuant to a request made in accordance with the rules.
- (4) In subsection (3) —

“eligible person”, in relation to a knife retained under section 28C, means —

- (a) the person who surrendered the knife under subsection (1) of section 28C or from whom the knife was seized under that subsection; or
- (b) any other person specified in rules under subsection (3);

“knife” has the same meaning as in section 28C.⁸

28E Protection of court security officers

- (1) Any person who assaults a court security officer acting in the execution of the officer’s duty commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to custody for a term not exceeding 12 months, or to a fine not exceeding level 5 on the standard scale, or to both.⁹
- (3) A person who resists or wilfully obstructs a court security officer acting in the execution of the officer’s duty commits an offence.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.^{10 11}

PART 9 – EVIDENCE

29 [Repealed]¹²

30 Live links in criminal proceedings

- (1) A person may, if the court so directs, take part in eligible criminal proceedings through a live audio link or a live video link (a “live link direction”).
- (2) A direction under this section may be given for a Deemster, High Bailiff or Justice of the Peace to take part in eligible criminal proceedings through a live link.
- (3) But no direction under this section may be given for any member of a jury to take part in eligible criminal proceedings through a live link.
- (4) In this Part “eligible criminal proceedings” means—
 - (a) any criminal proceedings in a court of summary jurisdiction;
 - (b) any proceedings in a Court of General Gaol Delivery;
 - (c) an appeal in a criminal cause or matter to the Staff of Government Division and any proceedings that are preliminary or incidental to such an appeal;

- (d) a reference to the Staff of Government Division under section 39, 40 or 41 of the *Criminal Jurisdiction Act 1993* and any proceedings that are preliminary or incidental to such a reference.
- (5) A direction may be given under this section —
 - (a) on an application by a party to the proceedings, or
 - (b) of the court's own motion.
- (6) But the court may not give a direction for a person to take part in eligible criminal proceedings through a live link unless —
 - (a) the court is satisfied that it is in the interests of justice for the person concerned to take part in the proceedings in accordance with the direction through such a link, and
 - (b) the parties to the proceedings have been given the opportunity to make representations.
- (7) The power conferred by this section includes power to give a direction —
 - (a) that is applicable to several, or all, of the persons taking part in particular eligible criminal proceedings;
 - (b) that is applicable to a particular person in respect of only some aspects of particular eligible criminal proceedings (such as giving evidence or attending the proceedings when not giving evidence);
 - (c) for a person who is outside the Island to take part in eligible criminal proceedings through a live link.
- (8) The power of the court to give a direction under this section is subject to the provisions of the Schedule (prohibitions and limitations on use of live links).
- (9) The court may vary a live link direction under this section and where it does so the provisions of this Part that apply to the giving of such a direction also apply to its variation.
- (10) If a court gives a live link direction under this section for a person to take part in particular proceedings by giving evidence through a live link, the person may not give evidence except in accordance with the direction.
- (11) The court may rescind a live link direction under this section at any time before or during the eligible criminal proceedings to which it relates, but this does not affect the court's power to give a further live link direction in relation to the proceedings.
- (12) A live link direction under this section may not be rescinded unless —
 - (a) the court is satisfied that it is in the interests of justice for the direction to be rescinded, and
 - (b) the parties to the proceedings have been given the opportunity to make representations.

- (13) A live link direction under this section may be varied or rescinded by the court on its own motion or on an application by a party.
- (14) An application referred to in subsection (13) may not be made unless there has been a material change of circumstances since the direction was given.
- (15) If a hearing takes place in relation to the giving or rescinding of a live link direction under this section, the court may require or permit a person to take part in that hearing through a live link.
- (16) In deciding whether to give or rescind a live link direction under this section the court must consider all the circumstances of the case.
- (17) Those circumstances include in particular—
 - (a) in the case of a live link direction relating to a witness—
 - (i) the importance of the witness's evidence to the proceedings;
 - (ii) whether a direction might tend to inhibit any party to the proceedings from effectively testing the witness's evidence;
 - (b) in the case of a live link direction relating to any participant in the proceedings—
 - (i) the availability of the person;
 - (ii) the need for the person to attend in person;
 - (iii) any representations made by the person;
 - (iv) the suitability of the facilities at the place where the person would take part in the proceedings in accordance with the direction;
 - (v) whether the person will be able to take part in the proceedings effectively if that person takes part in accordance with the direction.
- (18) The court must state in open court its reasons for refusing an application for a live link direction under this section and, if it is a court of summary jurisdiction, must cause them to be entered in the order book.
- (19) Where any person (P) takes part in eligible criminal proceedings through a live audio link other than for the purpose of giving evidence, a court must not at those proceedings, —
 - (a) refuse bail for a person (B), or
 - (b) revoke bail for B,where B objects to the refusal or revocation.
- (20) A court may not deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at eligible criminal proceedings in which any person takes part, other than for the purpose of giving evidence, through a live audio link.¹³

30A Broadcasts of court proceedings

- (1) The court may, in giving a live video link direction under this Act, direct —
 - (a) that the proceedings are to be broadcast in the manner specified in the direction for the purpose of enabling members of the public to see and hear the proceedings;
 - (b) that a recording of the proceedings is to be made in the manner specified in the direction for the purpose of enabling the court to keep an audio-visual record of the proceedings.
- (2) The court may, in giving a live audio link direction under this section, direct —
 - (a) that the proceedings are to be broadcast in the manner specified in the direction for the purpose of enabling members of the public to hear the proceedings;
 - (b) that a record of the proceedings is to be made in the manner specified in the direction for the purpose of enabling the court to keep an audio record of the proceedings.
- (3) A direction under subsection (1) or (2) may relate to the whole, or to part, of the proceedings concerned.

30B Offences of recording or transmission in relation to broadcasting

- (1) It is an offence for a person to make, or attempt to make —
 - (a) an unauthorised recording; or
 - (b) an unauthorised transmission,of an image or sound which is being broadcast in accordance with a direction under section 30A.
- (2) It is an offence for a person to make, or attempt to make —
 - (a) an unauthorised recording; or
 - (b) an unauthorised transmission,of an image of, or sound made by, another person while the other person is viewing or listening to a broadcast made in accordance with a direction under section 30A.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission of the image or sound concerned, he or she did not know, and could not reasonably have known, that the image or sound was —
 - (a) being broadcast in accordance with a direction under section 30A, in the case of an offence under subsection (1); or

- (b) an image of, or sound made by, another person while viewing or listening to a broadcast made in accordance with a direction under section 30A, in the case of an offence under subsection (2).
- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) For the purposes of this section, it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is —
 - (a) authorised by a direction under this Act;
 - (b) otherwise authorised (generally or specifically) by the court in which the proceedings concerned are being conducted; or
 - (c) authorised (generally or specifically) by the First Deemster.

30C Offences of recording or transmitting participation through live link

- (1) It is an offence for a person to make, or attempt to make —
 - (a) an unauthorised recording; or
 - (b) an unauthorised transmission,of an image or sound which is being transmitted through a live video link or transmitted through a live audio link.
- (2) It is an offence for a person (P) to make, or attempt to make —
 - (a) an unauthorised recording; or
 - (b) an authorised transmission,of an image of, or sound made by, any person (whether P or another person) while that person is participating in court proceedings through a live video link or a live audio link.
- (3) It is a defence for a person charged with an offence under subsection (1) or (2) to prove that, at the time of the actual or attempted recording or transmission, he or she did not know, and could not reasonably have known, that the image or sound concerned —
 - (a) was being transmitted through a live video link or through a live audio link (in the case of an offence under subsection (1)); or
 - (b) was an image of, or sound made by, a person while that person was participating in court proceedings through a live video link or a live audio link (in the case of an offence under subsection (2)).
- (4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (5) For the purposes of this section, it does not matter whether a person making, or attempting to make, a recording or transmission intends the recording or transmission, or anything comprised in it, to be seen or heard by any other person.
- (6) For the purposes of this section, a recording or transmission is “unauthorised” unless it is —
 - (a) authorised (generally or specifically) by the court in which the proceedings concerned are being conducted; or
 - (b) authorised (generally or specifically) by the First Deemster.

30D Secondary legislation

- (1) The Department of Home Affairs may by order amend any provision in an Act of Tynwald or a statutory document that pertains to live links (whether or not the broadcast of any such link is also provided for) in court proceedings or proceedings before any tribunal, but must first —
 - (a) consult with the Deemsters;
 - (b) where a Department other than the Department of Home Affairs is responsible for administering the legislation to be amended, consult with that Department.

Tynwald procedure – approval required.

31 [Repealed]¹⁴

32 Courts permitted to sit at other locations

[P2003/44/53]

- (1) This section applies where —
 - (a) a person is to take part in eligible criminal proceedings before the court through a live audio link or a live video link; and¹⁵
 - (b) suitable facilities for such participation are not available at any courtroom in which the court intends to sit.¹⁶
- (2) The court may sit for the purposes of the whole or any part of the proceedings at any place at which such facilities are available and which has been appointed for the purposes of this section by the Chief Registrar.

32A Requirement to attend court: perjury

- (1) A person who takes part in eligible criminal proceedings in accordance with a live link direction under section 30 is to be treated as complying with any requirement however imposed or expressed for that person to attend or appear before court, or to surrender to the custody of the court, for the purposes of participation in those proceedings.

- (2) A person who takes part in eligible criminal proceedings in accordance with a live link direction under section 30 is to be treated as present in court for the purposes of those proceedings.
- (3) A statement made on oath by a witness outside the Island and given in evidence through a live audio link or a live video link in accordance with a live link direction under section 30 is to be treated for the purposes of section 1 of the *Perjury Act 1952* as having been made in the proceedings in which it is given in evidence.¹⁷

33 Directions to jury

[P2003/44/54]

- (1) This section applies where, as a result of a direction under section 30, evidence has been given through a live audio link or a live video link by a witness (including the defendant) in proceedings before a court other than a court of summary jurisdiction.¹⁸
- (2) The Deemster may give the jury (if there is one) such direction as the Deemster thinks necessary to ensure that the jury gives the same weight to the evidence as if it had been given by the witness in the courtroom or other place where the proceedings are held.

34 Oaths made through live links

[1990/1/27/5]

A statement made on oath by a witness (whether inside or outside the Island) and given in evidence through a live link shall be treated for the purpose of section 1 of the *Perjury Act 1952* as having been made in the proceedings in which it is given in evidence.

35 Rules of court

[P2003/44/55]

- (1) Rules of court may make such provision as appears to the authority making them to be necessary or expedient for the purposes of ~~this Part~~ **this Act**.
- (2) Rules of court may in particular make provision —
 - (a) as to the procedure to be followed in connection with applications under section 30; and¹⁹
 - (b) as to the arrangements or safeguards to be put in place in connection with the operation of live audio links and live video links.²⁰
- (3) The provision which may be made by virtue of subsection (2)(a) includes provision —
 - (a) for applications to be determined by the court without a hearing;²¹

- (b) for preventing the renewal of an unsuccessful application under section 30 unless there has been a material change of circumstances;
 - (c) for the manner in which confidential or sensitive information is to be treated in connection with an application under section 30 and in particular as to its being disclosed to, or withheld from, a party to the proceedings.²²
- (4) Nothing in this section is to be taken as affecting the generality of any statutory provision conferring power to make rules of court.

36 Evidence by video recording

[P2003/44/137]

- (1) This section applies where —
- (a) a person is called as a witness in criminal proceedings (including committal proceedings) before —
 - (i) the Staff of Government Division;
 - (ii) the Court of General Gaol Delivery; and
 - (iii) a court of summary jurisdiction;
 - (b) the person claims to have witnessed (whether visually or in any other way) —
 - (i) events alleged by the prosecution to include conduct constituting the offence or part of the offence; or
 - (ii) events closely connected with such events;
 - (c) the person has previously given an account of the events in question (whether in response to questions asked or otherwise);
 - (d) the account was given at a time when those events were fresh in the person's memory (or would have been, assuming the truth of the claim mentioned in subsection (b));
 - (e) a video recording was made of the account;
 - (f) the court has made a direction that the recording should be admitted as evidence in chief of the witness, and the direction has not been rescinded; and
 - (g) the recording is played in the proceedings in accordance with the direction.
- (2) If, or to the extent that, in the oral evidence of the witness in the proceedings, the witness asserts the truth of the statements made by the witness in the recorded account, they shall be treated as if made by the witness in that evidence.
- (3) A direction under subsection (1)(f) —
- (a) may not be made in relation to a recorded account given by the accused;

- (b) may be made only if it appears to the court that —
 - (i) the witness's recollection of the events in question is likely to have been significantly better when the witness gave the recorded account than it will be when oral evidence is given in the proceedings; and
 - (ii) it is in the interests of justice for the recording to be admitted, having regard in particular to the matters mentioned in subsection (4).
- (4) Those matters are —
 - (a) the interval between the time of the events in question and the time when the recorded account was made;
 - (b) any other factors that might affect the reliability of what the witness said in that account;
 - (c) the quality of the recording;
 - (d) any views of the witness as to whether the evidence in chief of the witness should be given orally or by means of the recording.
- (5) For the purposes of subsection (2) it does not matter if the statements in the recorded account were not made on oath.

36A Video recorded cross-examination or re-examination

P1999/23/28

- (1) Where a direction provides for a video recording to be admitted under section 36 as evidence in chief of the witness, the direction may also provide—
 - (a) for any cross-examination of the witness, and any re-examination, to be recorded by means of a video recording; and
 - (b) for such a recording to be admitted, so far as it relates to any such cross-examination or re-examination, as evidence of the witness under cross-examination or on re-examination, as the case may be.
- (2) Such a recording must be made in the presence of such persons as rules of court or the direction may provide and in the absence of the defendant, but in circumstances in which —
 - (a) the judge or justices (or both) and legal representatives acting in the proceedings are able to see and hear the examination of the witness and to communicate with the persons in whose presence the recording is being made, and
 - (b) the defendant is able to see and hear any such examination and to communicate with any legal representative acting for him.
- (3) Where two or more legal representatives are acting for a party to the proceedings, subsection (2)(a) and (b) are to be regarded as satisfied in

relation to those representatives if at all material times they are satisfied in relation to at least one of them.

- (4) Where a direction provides for a recording to be admitted under this section, the court may nevertheless subsequently direct that it is not to be so admitted if any requirement of subsection (2) or rules of court or the direction has not been complied with to the satisfaction of the court.
- (5) Where in pursuance of subsection (1) a recording has been made of any examination of the witness, the witness may not be subsequently cross-examined or re-examined in respect of any evidence given by the witness in the proceedings (whether in any recording admissible under section 36 or this section or otherwise than in such a recording) unless the court gives a further direction making such provision as is mentioned in subsection (1)(a) and (b) in relation to any subsequent cross-examination, and re-examination, of the witness.
- (6) The court may only give such a further direction if it appears to the court—
 - (a) that the proposed cross-examination is sought by a party to the proceedings as a result of that party having become aware, since the time when the original recording was made in pursuance of subsection (1), of a matter which that party could not with reasonable diligence have ascertained by then, or
 - (b) that for any other reason it is in the interests of justice to give the further direction.
- (7) Nothing in this section shall be read as applying in relation to any cross-examination of the witness by the defendant in person (in a case where the defendant is to be able to conduct any such cross-examination).

36B Prohibition on cross-examination of complainant in proceedings for sexual offences

P1999/23/34

No defendant charged with a sexual offence may in any criminal proceedings cross-examine in person a witness who is the complainant, either –

- (a) in connection with that offence, or
- (b) in connection with any other offence (of whatever nature) with which that person is charged in the proceedings.

36C Prohibition on cross-examination of child complainant or other child witness by defendant

P1999/23/35

- (1) No defendant charged with an offence may in any criminal proceedings cross-examine in person a protected witness, either –
 - (a) in connection with that offence; or

- (b) in connection with any other offence (of whatever nature) with which that person is charged in the proceedings.
- (2) For the purposes of subsection (1) a “protected witness” is a witness who –
 - (a) either is the complainant or is alleged to have been a witness to the commission of the offence to which this section applies; and
 - (b) either is a child or falls to be cross-examined after giving evidence in chief (whether wholly or in part) –
 - (i) by means of a video recording made (for the purposes of section 36D) at a time when the witness was a child; or
 - (ii) in any other way at any such time.
- (3) For the purposes of this section “witness” includes a witness who is charged with an offence in the proceedings.

36D Direction prohibiting defendant from cross-examining particular witness

P1999/23/36

- (1) This section applies where, in a case where neither of sections 36B and 36C operates to prevent a defendant in any criminal proceedings from cross-examining a witness in person –
 - (a) the prosecutor makes an application for the court to give a direction under this section in relation to the witness; or
 - (b) the court of its own motion raises the issue whether such a direction should be given.
- (2) If it appears to the court—
 - (a) that the quality of evidence given by the witness on cross-examination –
 - (i) is likely to be diminished if the cross-examination (or further cross-examination) is conducted by the defendant in person; and
 - (ii) would be likely to be improved if a direction were given under this section; and
 - (b) that it would not be contrary to the interests of justice to give such a direction,

the court may give a direction prohibiting the defendant from cross-examining (or further cross-examining) the witness in person.
- (3) In determining whether subsection (2)(a) applies in the case of a witness the court must have regard, in particular, to—
 - (a) any views expressed by the witness as to whether or not the witness is content to be cross-examined by the defendant in person;

- (b) the nature of the questions likely to be asked, having regard to the issues in the proceedings and the defence case advanced so far (if any);
 - (c) any behaviour on the part of the defendant at any stage of the proceedings, both generally and in relation to the witness;
 - (d) any relationship (of whatever nature) between the witness and the defendant;
 - (e) whether any person (other than the defendant) is or has at any time been charged in the proceedings with a sexual offence or an offence to which section 36C applies, and (if so) whether section 36B or 36C operates or would have operated to prevent that person from cross-examining the witness in person;
 - (f) any direction which the court has given, or proposes to give, in relation to the witness.
- (4) For the purposes of this section —
- (a) “witness”, in relation to a defendant, does not include any other person who is charged with an offence in the proceedings; and
 - (b) any reference to the quality of a witness’s evidence shall be a reference to its quality in terms of completeness, coherence and accuracy; and for this purpose “coherence” refers to a witness’s ability in giving evidence to give answers which address the questions put to the witness and can be understood both individually and collectively.

36E Alternatives to cross-examination in person

- (1) This section applies where a defendant is prevented from cross-examining a witness in person by virtue of section 36B, 36C or 36D.
- (2) The court must consider whether (ignoring this section) there is a satisfactory alternative means, —
 - (a) for the witness to be cross-examined in the proceedings, or
 - (b) of obtaining evidence that the witness might have given under cross-examination in the proceedings.
- (3) If the court decides that there is not, the court must, —
 - (a) invite the party to the proceedings to arrange for an advocate to act for the party for the purpose of cross-examining the witness, and
 - (b) require the party to the proceedings to notify the court, by the end of a period specified by the court, of whether an advocate is to act for the party for that purpose.
- (4) Subsection (5) applies if, by the end of the period specified under subsection (3)(b), either, —

- (a) the defendant has notified the court that no advocate is to act for the party for the purpose of cross-examining the witness, or
 - (b) no notification has been received by the court and it appears to the court that no advocate is to act for the defendant for the purpose of cross-examining the witness.
- (5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by an advocate appointed by the court to represent the interests of the defendant.
- (6) If the court decides that it is, the court must appoint an advocate (chosen by the court) to cross-examine the witness in the interests of the defendant.
- (7) An advocate appointed by the court under subsection (6) is not responsible to the defendant.
- (8) For the purposes of this section a reference to cross-examination includes (in a case where a direction is given under section 36D after the party has begun cross-examining the witness) a reference to continuing to conduct cross-examination.

36F Costs of advocates appointed under section 36E

- (1) After consulting the Deemsters, the Treasury may by regulations make provision for the payment out of the General Revenue of the Island of sums in respect of, —
 - (a) fees or costs properly incurred by an advocate appointed under section 36E, and
 - (b) expenses properly incurred in providing such a person with evidence or other material in connection with the appointment.
- (2) The regulations may provide for the amounts to be determined by the Treasury or such other person as the regulations may specify.
- (3) The regulations may provide for the amounts paid to be calculated in accordance with, —
 - (a) a rate or scale specified in the regulations, or
 - (b) other provision made by or under the regulations.

Tynwald procedure for regulations under this section — approval required.

37 Video evidence: further provisions

[P2003/44/138]

- (1) Where a video recording is admitted under section 36, the witness may not give evidence in chief otherwise than by means of the recording as to any matter which, in the opinion of the court, has been dealt with adequately in the recorded account.

- (2) The reference in subsection (1)(f) of section 36 to the admission of a recording includes a reference to the admission of part of the recording; and references in that section and this one to the video recording or to the witness's recorded account shall, where appropriate, be read accordingly.
- (3) In considering whether any part of a recording should not be admitted under section 36, the court must consider —
 - (a) whether admitting that part would carry a risk of prejudice to the accused; and
 - (b) if so, whether the interests of justice nevertheless require it to be admitted in view of the desirability of showing the whole, or substantially the whole, of the recorded interview.
- (4) A court may not make a direction under section 36(1)(f) in relation to any proceedings unless —
 - (a) the Chief Registrar has notified the court that arrangements can be made, in the courtroom in which it appears to the court that the proceedings will take place, for implementing directions under that section; and
 - (b) the notice has not been withdrawn.
- (5) Nothing in section 36 affects the admissibility of any video recording which would be admissible apart from that section.

38 Interpretation of Part 9

[P2003/44/56, 140]

- (1) In this Part —

“bail” includes remand to accommodation provided for that purpose by the Department of Health and Social Care under section 76(1) of the *Children and Young Persons Act 2001*;²³

“document” means anything in which information of any description is recorded, but not including any recording of sounds or moving images;

“eligible criminal proceedings” has the meaning given in section 30(4);²⁴

“oral evidence” includes evidence which, by reason of any disability, disorder or other impairment, a person called as a witness gives in writing or by signs or by way of any device;

“rules of court” means —

- (a) rules made under section 25 of the *High Court Act 1991* (as extended by section 57 of the *Criminal Jurisdiction Act 1993*); and
- (b) rules made under section 91 of the *Summary Jurisdiction Act 1989*;

“video recording” means any recording, on any medium, from which a moving image may by any means be produced, and includes the accompanying sound-track;

“**witness**”, in relation to any criminal proceedings, means a person called or proposed to be called, to give evidence in the proceedings.

- (2) A reference to a person taking part in eligible criminal proceedings includes giving evidence in the proceedings and attending the proceedings when not giving evidence.²⁵
- (2A) A “live audio link”, in relation to a person (P) taking part in eligible criminal proceedings, is a live telephone link or other arrangement which—
- (a) enables P to hear all other persons taking part in the proceedings who are not in the same location as P, and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to hear P.²⁶
- (2B) Eligible criminal proceedings are conducted wholly as audio proceedings if—
- (a) directions have been given under section 30 for all of the persons taking part in the proceedings to do so through a live audio link, and
 - (b) all of those persons take part in the proceedings in accordance with those directions.²⁷
- (2C) A “live video link”, in relation to a person (P) taking part in eligible criminal proceedings, is a live television link or other arrangement which—
- (a) enables P to see and hear all other persons taking part in the proceedings who are not in same location as P, and
 - (b) enables all other persons taking part in the proceedings who are not in the same location as P to see and hear P.²⁸
- (2D) Eligible criminal proceedings are conducted wholly as video proceedings if—
- (a) directions have been given, whether under section 30 or any other power, for all of the persons taking part in the proceedings to do so through a live video link, and
 - (b) all of those persons take part in the proceedings in accordance with those directions.²⁹
- (3) A reference to the persons participating in eligible criminal proceedings includes—
- (a) the accused;
 - (b) the Deemster and the jury (if there is one);
 - (c) the member or members of the court hearing the proceedings;³⁰
 - (ca) witnesses in the proceedings;³¹
 - (d) legal representatives acting in the proceedings; and

- (e) any interpreter or other person appointed by the court to assist in the proceedings.^{32 33}
- (3A) Subsections (2A) to (3) apply for the purposes of this Part.³⁴
- (4) The following matters are to be disregarded for the purposes of subsections (2A) and (2C)—
 - (a) the extent (if any) to which a person is unable to—
 - (i) see by reason of any impairment of eyesight, or
 - (ii) hear by reason of any impairment of hearing;
 - (b) the effect of any direction or order which provides for one person taking part in proceedings to be prevented by means of a screen or other arrangement from seeing another person taking part in the proceedings.³⁵

39 Saving

- (1) No provision of this Part has effect in relation to criminal proceedings begun before the commencement of that provision.
- (2) Nothing in this Part is to be regarded as affecting any power of a court —
 - (a) to make an order, give directions or give leave of any description in relation to any witness (including the accused); or
 - (b) to exclude evidence at its discretion (whether by preventing questions being put or otherwise).

40 Abolition of right of accused to make unsworn statement

[P1982/48/72]

- (1) Subject to subsections (2) and (3), in any criminal proceedings the accused shall not be entitled to make a statement without being sworn, and accordingly, if the accused gives evidence, the accused shall do so (subject to section 77 of the *Children and Young Persons Act 2001*) on oath and be liable to cross-examination.
- (2) This section shall not affect the right of the accused, if not represented by counsel, to address the court or jury otherwise than on oath on any matter on which, if the accused were so represented, counsel could address the court or jury on the accused's behalf.
- (3) Nothing in subsection (1) shall prevent the accused making a statement without being sworn —
 - (a) if it is one which the accused is required by law to make personally; or
 - (b) if the accused makes it by way of mitigation before the court passes sentence upon the accused.
- ~~(4) Nothing in this section applies —~~

- ~~(a) to a trial; or~~
- ~~(b) to committal proceedings before a court of summary jurisdiction, which began before the commencement of this section.~~

PART 10 – SENTENCING PRINCIPLES

40A Sentencing Council

- (5) The Department may by Regulations establish a Sentencing Council ("the Council").
Tynwald procedure – approval required.
- (6) Regulations under subsection (1) may provide for —
 - (a) the constitution of the Council;
 - (b) the person to chair the Council;
 - (c) the functions and operation of the Council;
 - (d) the membership of the Council, which must include judicial and non-judicial members;
 - (e) the eligibility requirements for appointment to the Council;
 - (f) the term of office, resignation and re-appointment of any member of the Council;
 - (g) the grounds and procedures for removing any member of the Council;
 - (h) the proceedings of the Council including quorum, the arrangements for meetings and the matters which are to be discussed by the Council, which may be such matters as the Department agrees with the Council;
 - (i) any remuneration of the members of the Council;
 - (j) the preparation, consultation and publication of any sentencing guidelines;
 - (k) the publication of reports of any activities of the Council.
- (3) The Department must consult the Judge of Appeal and the Deemsters before making regulations under this section.
- (4) A court must have regard to sentencing guidelines (if any) in relation to an offence in respect of which it is sentencing a defendant unless the court considers that it would not be in the interest so justice to do so in the particular circumstances of the case.

41 Influence of alcohol: effect on sentence

- (1) This section applies where a court is considering the seriousness of an offence.
- (2) If the defendant was under the influence of alcohol at the time the offence was committed, the court –
 - (a) may treat that fact as an aggravating factor; and
 - (b) if it does so, must state in open court that the offence was so aggravated.

41A Hostility or vulnerability: effect on sentence

P2020/17/66 and drafting

- (1) This section applies where a court is considering the seriousness of an offence which is aggravated by –
 - (a) racial hostility;
 - (b) religious hostility;
 - (c) hostility related to disability;
 - (d) hostility related to sexual orientation;
 - (e) hostility related to transgender identity; or
 - (f) the vulnerability of the victim.
- (2) The court –
 - (a) must treat the fact that the offence is aggravated by hostility of any of the types described subsection (1)(a) to (e), or the vulnerability of the victim as an aggravating factor; and
 - (b) must state in open court that the offence is so aggravated.
- (3) For the purposes of this section, an offence is aggravated by hostility of one of the kinds mentioned in subsection (1)(a) to (e) if –
 - (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on –
 - (i) the victim's membership (or presumed membership) of a racial group;
 - (ii) the victim's membership (or presumed membership) of a religious group;
 - (iii) a disability (or presumed disability) of the victim;
 - (iv) the sex or sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be);
 - (v) the victim being (or being presumed to be) transgender; or
 - (b) the offence was motivated (wholly or partly) by –

- (i) hostility towards members of a racial group based on their membership of that group;
 - (ii) hostility towards members of a religious group based on their membership of that group;
 - (iii) hostility towards persons who have a disability or a particular disability;
 - (iv) hostility towards persons who are of a particular sex or sexual orientation, or (as the case may be),
 - (v) hostility towards persons who are transgender.
- (4) For the purposes of paragraphs (4)(a) and (b), it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.
- (5) In this section —
 - (a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;
 - (b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;
 - (c) “membership” in relation to a racial or religious group, includes association with members of that group;
 - (d) “disability” means any physical or mental impairment;
 - (e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;
 - (f) “presumed” means presumed by the offender.
- (6) For the purposes of this section, the court, when considering the vulnerability of the victim may, in particular, have regard to —
 - (a) the age of the victim;
 - (b) whether the victim is pregnant or has recently given birth; or
 - (c) whether a child saw or heard or was present during the commission of the offence.
- (7) The Department may by order amend this section to add, vary or remove provisions about the factors which constitute aggravation of an offence.
Tynwald procedure – approval required.
- (8) Regulations under subsection (7) may include such consequential, incidental, supplemental and transitional provision, including amendments to other provisions of this Act as the Department considers appropriate.

41B Assaults on emergency workers and frontline workers: aggravating

factors

P2020/17/67 and drafting

- (1) This section applies where a court is considering the seriousness of an offence listed in subsection (3).
- (2) If the offence was committed against an emergency worker or a frontline worker acting in the exercise of functions as such a worker, the court—
 - (a) must treat that fact as an aggravating factor; and
 - (b) must state in open court that the offence is so aggravated.
- (3) The offences referred to in subsection (1) are—
 - (a) an offence under any of the following provisions of the *Criminal Code 1872* –
 - (i) section 20 (manslaughter);
 - (ii) section 31 (threats to kill or cause serious injury);
 - (iii) section 33 (shooting or wounding with intent to do grievous bodily harm);
 - (iv) section 35 (inflicting bodily injury, with or without weapon);
 - (v) section 36 (choking, suffocation and strangulation);
 - (vi) section 37 (using chloroform to commit offence triable on information);
 - (vii) section 38 (maliciously administering poison, etc, so as to endanger life, or inflict grievous bodily harm);
 - (viii) section 39 (maliciously administering poison, etc, with intent to injure, aggrieve or annoy any other person);
 - (ix) section 43 (causing bodily injury by explosive);
 - (x) section 44 (causing gunpowder to explode, or sending explosive, or throwing corrosive fluid, with intent to do grievous bodily harm);
 - (xi) section 45 (placing explosive near a building with intent to do bodily injury);
 - (xii) section 46 (setting spring guns, etc, with intent to inflict grievous bodily harm);
 - (xiii) section 60 (assault or battery occasioning actual bodily harm);
 - (xiv) section 60C (kidnapping);
 - (xv) section 60D (hostage-taking);
 - (b) an offence under any of the following provisions of the *Sexual Offences and Obscene Publications Act 2021* –
 - (i) section 4 (rape);
 - (ii) section 5 (assault by penetration);

- (iii) section 6 (sexual assault);
 - (c) an inchoate offence in relation to any of the preceding offences.
 - (4) In this section “emergency worker” and “frontline worker” have the meaning given by section 41C.
 - (5) Nothing in this section prevents a court from treating the fact that an offence was committed against an emergency worker or frontline worker acting in the exercise of functions as such an aggravating factor in relation to offences not listed in subsection (3).
 - (6) The Department may by order amend subsection (3).
- Tynwald procedure – approval required.

41C Meaning of “emergency worker” and “frontline worker” for the purposes of section 41B

P2020/17/68 and drafting

- (1) In section 41B, “emergency worker” or “frontline worker” means –
 - (a) a constable;
 - (b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;
 - (c) a prison officer;
 - (d) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;
 - (e) a prisoner custody officer, so far as relating to the exercise of escort functions;
 - (f) a custody officer, so far as relating to the exercise of escort functions;
 - (g) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;
 - (h) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);
 - (i) a person employed for the purposes of providing, or engaged to provide –
 - (i) general medical services (within the meaning of the *National Health Service Act 2001*); or
 - (ii) services in the support of the provision of general medical services,
 and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public;

- (j) a social care worker or a person employed in a care service;
 - (k) a person employed in a court or tribunal (including, for the avoidance of doubt, a judge or any court officer;
 - (l) a probation officer or any person employed for the purpose of supervising a person sentenced to a community order.
- (2) It is immaterial for the purposes of subsection (1) whether the employment or engagement is paid or unpaid.
- (3) In this section—

“custodial institution” means –

- (a) an institution for the detention of detainees provided for under section 11 of the *Custody Act 1995*;
- (b) a place at which a person may be detained in accordance with paragraph 6 of Schedule 2 (administrative provisions as to control on entry etc) to the *Immigration Act 1971* (as extended to the island by Order in Council);

“care service” has the meaning given in section 8 of the *Regulation of Care Act 2013*;

“custody officer” shall be construed in accordance with the *Police Powers and Procedures Act 1998*;

“escort functions” means the functions specified in section 1 of the *Prisoner Escorts Act 2008*;

“prisoner custody officer” has the meaning given in section 5 of *Prisoner Escorts Act 2008*;

“social care worker” has the meaning given in section 139 of the *Regulation of Care Act 2013*;

- (4) The Department may by order amend this section to add, amend or remove a person who is an emergency worker or frontline worker for the purposes of this section or section 41D.

Tynwald procedure – approval required.

41D Assault or battery perpetrated against emergency workers or frontline workers

P2003/17/67 and drafting

- (1) This section applies where—
- (a) a court is considering the seriousness of an offence listed in subsection (3), and
 - (b) the offence is not aggravated under section 41B(2).
- (2) If the offence was committed against a person providing a public service, performing a public duty or providing services to the public, the court –
- (a) must treat that fact as an aggravating factor, and

- (b) must state in open court that the offence is so aggravated.
- (3) For the purposes of subsection (1) and section 41B(2), the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker or frontline worker.
- (4) An offence to which this section applies is to be treated as an aggravated assault under section 59 of the *Criminal Code 1872* and a person guilty of such offence is to be sentenced accordingly for the offence of aggravated assault.

PART 11 – CUSTODY ACT 1995

42 [Repealed]³⁶

43 Amends *Custody Act 1995*

- (1) [Amends paragraph 8(b) of Schedule 1 to the *Custody Act 1995* by adding item (c).]
- (2) [Amends paragraph 10(3) of Schedule 1 to the *Custody Act 1995* by substituting “£2,500” for “£1,000”.]

PART 12 – EMERGENCY POWERS

44 [Amends the *Emergency Powers Act 1936* by inserting section 2A after section 1.]

45 Amends emergency powers

- (1) [Amends section 3 of the *Emergency Powers Act 1936* by substituting subsection (1).]
- (2) [Amends section 1 of the *Emergency Powers (Amendment) Act 1989* by repealing subsection (1).]

PART 13 – MISCELLANEOUS

46 Amends *Criminal Justice Act 1963*

[Amends section 5 of the *Criminal Justice Act 1963* as follows: paragraph (a) inserts subsections (2) and (2A); paragraph (b) amends subsection (3) by substituting the words from the beginning to “or may”; and paragraph (c) repeals subsection (5).]

47 Electronic monitoring

- (1) Where a court makes a community order the court may also impose an electronic monitoring requirement if the court —
 - (a) considers it appropriate to do so in the particular circumstances; and
 - (b) is not prevented from doing so by subsection (2) or by section 48(2).
- (2) A court may not include an electronic monitoring requirement in a community order in respect of an offender unless the court —
 - (a) has been notified by the Department of Home Affairs that electronic monitoring arrangements are available in the Island, and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (3) The Department of Home Affairs may make rules for regulating —
 - (a) electronic monitoring in pursuance of an electronic monitoring requirement, and
 - (b) without prejudice to the generality of paragraph (a), the functions of persons made responsible for securing electronic monitoring in pursuance of such a requirement.
- (4) In this section —

“community order” means —

 - (a) an anti-social behaviour order under section 28 of the *Criminal Justice Act 2001*;
 - (b) a curfew order under section 29 of and Schedule 5 to the *Criminal Justice Act 2001*;
 - (c) a probation order under the *Criminal Justice Act 1963*;
 - (d) a community service order under Schedule 3 of the *Criminal Law Act 1981*;
 - (e) a reparation order under section 35 of the *Criminal Justice Act 2001*;
 - (f) an attendance centre order under section 37 of and Schedule 7 to the *Criminal Justice Act 2001*;
 - (g) a combination order under section 7 of the *Criminal Justice (Penalties, Etc.) Act 1993*;
 - (h) a non-molestation order under section 104 of the *Matrimonial Proceedings Act 2003*;
 - (i) an order of a court admitting a person to bail under the *Bail Act 1952*;

“electronic monitoring requirement” has the same meaning as in section 48.
- (5) The Department of Home Affairs may by order amend the definition of community order in subsection (4).

48 Electronic monitoring requirement

[P2003/44/215]

- (1) In this section “electronic monitoring requirement”, in relation to a community order, means a requirement for securing the electronic monitoring of the offender’s compliance with other requirements imposed by the order during a period specified in the order, or determined by the responsible officer in accordance with the relevant order.
- (2) Where —
 - (a) it is proposed to include in a community order a requirement for securing electronic monitoring in accordance with this section, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,the requirement may not be included in the order without that person’s consent.
- (3) A relevant order which includes an electronic monitoring requirement must include provision for making a person responsible for the monitoring; and a person who is made so responsible must be of a description specified in an order made by the Department of Home Affairs.
- (4) Where an electronic monitoring requirement is required to take effect during a period determined by the responsible officer in accordance with the relevant order, the responsible officer must, before the beginning of that period, notify —
 - (a) the offender,
 - (b) the person responsible for the monitoring, and
 - (c) any person falling within subsection (2)(b),of the time when the period is to begin.

49 Sections 47 and 48: supplementary

- (1) Rules under section 47(3) and orders under section 48(3) or 47(5) shall not come into operation unless approved by Tynwald.
- (2) The power for a court to impose an electronic monitoring requirement (as defined in section 48) is additional to and does not prejudice any other powers of the court to deal with persons appearing before the court.
- (3) For the purposes of any enactment conferring rights of appeal in criminal cases, an electronic monitoring requirement (as defined in section 48) shall be subject to the same rights of appeal as the relevant community order.

49A Testing detainees for drugs or alcohol

- (1) A person supervising an offender (“supervisor”) in respect of whom a community order (within the meaning given in section 47) has been imposed may require the offender to provide one or more samples for the purpose of ascertaining whether the detainee has in his or her body —
- (a) any drug, alcohol or tobacco; or
 - (b) any residue, derivative or metabolite of a drug, alcohol or tobacco.

- (2) The Department must by order make or approve a code of practice in respect of the taking of a sample under this section.

Tynwald procedure – approval required.

- (3) The requirement for a sample must be made in accordance the code of practice under subsection (2).

- (4) The sample must be provided at such place as may be directed by the supervisor.

- (5) The sample must be —

- (a) a sample of urine;
- (b) a sample of breath; or
- (c) a non-intimate sample.

- (6) In this section —

“drug” means —

- (a) any substance which is a controlled drug within the meaning of the *Misuse of Drugs Act 1976*; or
- (b) any psychoactive substance (not being a controlled drug, alcohol or tobacco) which is prescribed, or of a description which is prescribed, for the purposes of this section;

“non-intimate sample” has the same meaning as in Part V of the *Police Powers and Procedures Act 1998*; and

“psychoactive substance” means a substance which is capable, by stimulating or depressing a person’s central nervous system, of affecting his or her mental functioning or emotional state.

- (7) The Department may by order prescribe a psychoactive substance for the purpose of this section.

Tynwald procedure – approval required.

50 Amends *Fireworks Act 2004*

[Amends section 4 of the *Fireworks Act 2004* as follows: subsection (1) inserts subsection (5)(aa); subsection (2) adds the word “or” to subsection (5)(b) and adds subsection (5)(c); and subsection (3) adds subsection (9).]

PART 14 – GENERAL

51 Financial

There shall be paid out of money provided by Tynwald any expenses of the Department of Home Affairs, the Treasury or the Chief Constable under this Act and any increase attributable to this Act in the sums so payable under any other Act.

52 Short title and commencement

- (1) This Act may be cited as the Criminal Justice, Police and Courts Act 2007.
- (2) This Act shall come into force on such day as the Department of Home Affairs may by order appoint and different days may be so appointed for different provisions and for different purposes.³⁷
- (3) An order under subsection (2) may make such transitional provisions or savings as the Department may consider necessary in connection with any provision brought into force by the order.

SCHEDULE^{E38}**PROHIBITIONS AND LIMITATIONS ON USE OF LIVE LINKS**

[Section 30(8)]

PART 1 – GENERAL**1 Other limitations to apply**

The limitations imposed under this Schedule are in addition to any other limitations (such as those in section 30(6)) which apply to the exercise of the power to give a direction under section 30.

PART 2 – AUDIO PROCEEDINGS**2 Conduct of proceedings wholly as audio proceedings**

- (1) Eligible criminal proceedings may be conducted wholly as audio proceedings only if the proceedings meet one of the following conditions.
- (2) Condition A: the proceedings are preliminary or incidental to a criminal appeal to the Staff of Government Division.
- (3) Condition B: the proceedings are preliminary or incidental to a reference, or the hearing of a reference, under section 39, 40 or 41 of the *Criminal Jurisdiction Act 1993*.
- (4) Condition C: the proceedings are a hearing following conviction held for the purpose of making a decision about whether to impose or vary conditions of bail in respect of the person convicted.
- (5) Condition D:—
 - (a) the proceedings are a hearing following conviction held for the purpose of deciding whether to grant or continue bail in respect of the person convicted, and
 - (b) the making of the decision is not disputed (including where the court is minded to refuse or revoke bail of its own motion).
- (6) But proceedings which meet any of those conditions may not be conducted wholly as audio proceedings if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the proceedings.

3 Other use of live audio links in preliminary and incidental proceedings

etc

- (1) This paragraph applies to eligible criminal proceedings which meet any of the conditions in paragraph 2.
- (2) The defendant may not take part in the proceedings through a live audio link for the purpose of giving evidence.
- (3) A person (other than the defendant) may not take part in the proceedings through a live audio link for the purpose of giving evidence unless —
 - (a) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (b) the parties agree to that person giving evidence through a live audio link.
- (4) This paragraph does not apply to proceedings which meet any of the conditions in paragraph 2 if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment) at the proceedings.

4 Other use of live audio links in other eligible criminal proceedings

- (1) This paragraph applies to both of the following —
 - (a) eligible criminal proceedings which do not meet any of the conditions in paragraph 2;
 - (b) eligible criminal proceedings which meet any of those conditions if the court is minded to deal with a person for contempt of court (including enquiring into conduct and imposing punishment).
- (2) The defendant may not take part in the proceedings through a live audio link.
- (3) A person (other than the defendant) may not take part in the proceedings through a live audio link unless —
 - (a) that person's participation through the live audio link is only for the purpose of giving evidence in the proceedings,
 - (b) there are no suitable arrangements by means of which that person could give evidence through a live video link, and
 - (c) the parties agree to that person giving evidence through a live audio link.
- (4) Where this paragraph applies by virtue of sub-paragraph (1)(b), references to the defendant include references to the person whom the court is minded to deal with for contempt of court.
- (5) Where this paragraph applies to proceedings under section 9 or 21 of the *Criminal Jurisdiction Act 1993*, it is for the defendant's representative (if such a representative has been appointed), rather than the defendant, to give any agreement under sub-paragraph (3)(c).

- (6) In this paragraph "defendant's representative" means the person appointed by the court to put the case for the defence.

PART 3 – VIDEO PROCEEDINGS

5 Conduct of proceedings wholly as video proceedings

- (1) Eligible criminal proceedings may be conducted wholly as video proceedings only if the proceedings meet one of the following conditions.
- (2) Condition A : the proceedings are—
- (a) an appeal to the Staff of Government Division which is an appeal only against sentence,
 - (b) an appeal to that Division arising out of a trial by a court of summary jurisdiction—
 - (i) which is an appeal arising out of a trial by such a court which was itself conducted wholly as video proceedings, and
 - (ii) which the parties agree may be conducted wholly as video proceedings, or
 - (c) preliminary or incidental to any criminal appeal to the Staff of Government Division.
- (3) Condition B: the proceedings are preliminary or incidental to a reference to the Staff of Government Division under section 39, 40 or 41 of the *Criminal Jurisdiction Act 1993*.
- (4) Condition C: the proceedings are a hearing following conviction held for the purpose of making a decision about bail in respect of the person convicted.
- (5) Condition D: the proceedings are a trial in a court of summary jurisdiction, and the parties agree to the proceedings being conducted wholly as video proceedings.
- (6) Condition E: the proceedings are a hearing under section 33 or 33A of the *Summary Jurisdiction Act 1989*.

ENDNOTES

Table of Endnote References

- ¹ Para (b) amended by Fines and Penalties Act 2024 Sch 5.
- ² Para (b) amended by Fines and Penalties Act 2024 Sch 5.
- ³ Para (b) amended by Fines and Penalties Act 2024 Sch 5.
- ⁴ Part 8A inserted by Custody (Amendment) Act 2016 s 14.
- ⁵ S 28A inserted by Custody (Amendment) Act 2016 s 14.
- ⁶ S 28B inserted by Custody (Amendment) Act 2016 s 14.
- ⁷ S 28C inserted by Custody (Amendment) Act 2016 s 14.
- ⁸ S 28D inserted by Custody (Amendment) Act 2016 s 14.
- ⁹ Subs (2) amended by Fines and Penalties Act 2024 Sch 5.
- ¹⁰ Subs (4) amended by Fines and Penalties Act 2024 Sch 3.
- ¹¹ S 28E inserted by Custody (Amendment) Act 2016 s 14.
- ¹² S 29 repealed by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 4.
- ¹³ S 30 substituted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 5.
- ¹⁴ S 31 repealed by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 6.
- ¹⁵ Para (a) substituted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 7.
- ¹⁶ Para (b) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 7.
- ¹⁷ S 32A inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 8.
- ¹⁸ Subs (1) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 9.
- ¹⁹ Para (a) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 10.
- ²⁰ Para (b) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 10.
- ²¹ Para (a) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 10.
- ²² Para (c) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 10.
- ²³ Definition of “bail” inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.
- ²⁴ Definition of “eligible criminal proceedings” inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.
- ²⁵ Subs (2) substituted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

²⁶ Subs (2A) inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

²⁷ Subs (2B) inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

²⁸ Subs (2C) inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

²⁹ Subs (2D) inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³⁰ Para (c) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³¹ Para (ca) inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³² Para (e) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³³ Subs (3) amended by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³⁴ Subs (3A) inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³⁵ Subs (4) substituted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 11.

³⁶ S 42 repealed by Custody (Amendment) Act 2016 s 7.

³⁷ ADO (ss 1, 3, 6, 11 to 19, 21 to 23, 25 to 28, 40, 41, 43 to 46 and 50 to 52) 14/9/2007; (s 2) 1/10/2007; (ss 7 to 10 and 42) 1/11/2007 (SD723/07); (ss 4 and 5) 7/12/2007 (SD974/07); (ss 20, 29 to 39 and 47 to 49) 21/7/2008 (SD609/08).

³⁸ Sch inserted by Courts, Tribunals and Local Authority Procedures, and Miscellaneous Provisions Act 2020 s 12.