

IN THE KEYS

JUSTICE REFORM (AMENDMENT) BILL 2025

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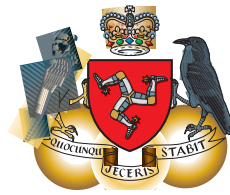
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JUSTICE REFORM (AMENDMENT) BILL 2025

A BILL to amend the Justice Reform Act 2021; to make further provision concerning criminal procedure and criminal justice; and for connected purposes

The long title will be revisited once the Bill is finalised for introduction.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Justice Reform (Amendment) Act 2025.

2 Commencement

- (1) Part 2 of this Act shall come into operation on the day on which this Act is passed.
- (2) The remainder of this Act shall come into operation on such day or days as the Department of Home Affairs may by order appoint.
- (3) An order under subsection (2) may make such consequential, incidental, supplemental and transitional provisions as appear to the Department of Home Affairs to be necessary or expedient for the purposes of the order.

PART 2 – AMENDMENTS TO THE JUSTICE REFORM ACT 2021

3 Justice Reform Act 2021 amended

- (1) The *Justice Reform Act 2021* is amended in accordance with this Part.
- (2) In this Part, a reference, without more —
 - (a) to a numbered section or Part is a reference to the section or Part of the *Justice Reform Act 2021* so numbered; or

- (b) if to a numbered Schedule is a reference to the Schedule to that Act which is so numbered.

4 Section 6 amended

In section 6 (introduction), in subsection (1)(a)(ii), after “High Bailiff” insert **GA** and any court of summary jurisdiction **GA**.

5 Section 8 amended

In section 8 (amendments consequent on section 7 etc) —

- (a) omit subsections (2)(a)(ix) and (3)(a) and (e);
- (b) in subsection (13), after “2015” insert **GA**, at the appropriate point in the alphabetical list, **GA**.

6 Section 9 amended

- (1) In the cross heading immediately before section 9 (jurisdiction of High Bailiff extended) for “High Bailiff” substitute **GA** courts of summary jurisdiction **GA**.

- (2) In section 9 —

- (a) in the heading, for “High Bailiff”, substitute **GA** courts of summary jurisdiction **GA**;
- (b) in subsection (1), for “the High Bailiff is extended so as to permit a High Bailiff to deal with any offence, other than one for which the sentence is fixed by law, and impose 2 years’ custody” substitute **GA** any court of summary jurisdiction is extended so as to permit a court of summary jurisdiction, including a youth court, to try a person with any offence, other than one for which the sentence is fixed by law, and impose a penalty of a maximum of 2 years’ custody **GA**;

- (c) in subsection (2), for “10 and 16” substitute **GA** 10 to 16 **GA**;

- (d) for subsection (3) substitute —

GA(3) In section 1 (appointment and powers of High Bailiffs) —

- (a) in subsection (2) (where it first occurs) and subsections (3), (5) and (6), for “Deputy High Bailiff” substitute **GA** a Deputy High Bailiff **GA**;
- (b) in subsection (4), after “High Bailiff” insert **GA** and a Deputy High Bailiff **GA**;
- (c) in subsection (5), after “summary jurisdiction” insert **GA** including youth courts. **GA**;

- (e) in subsection (4), for the inserted section 1A (extended powers of High Bailiff), substitute —

1A Extended powers of courts of summary jurisdiction

- (1) A court of summary jurisdiction, including a youth court, may try a person for any offence, other than one for which the sentence is fixed by law.
- (2) An offence is one for which the sentence is fixed by law where it is an offence in respect of which the court has no discretion as to the sentence which it may impose.
- (3) In this Act and any other enactment, except where the context otherwise requires, a reference to an offence triable either way includes a reference to an offence triable on information which, under subsection (1), a court of summary jurisdiction may try.
- (4) On conviction of an offence falling within subsection (1), a court of summary jurisdiction may impose —
 - (a) a term of custody (whether immediate or suspended) not exceeding 2 years; or
 - (b) a fine.
 This is subject to the qualifications in subsection (5).
- (5) Subsection (4) —
 - (a) has effect despite any general restriction imposed on the sentencing powers of a court of summary jurisdiction (including, for the sake of clarity, a youth court); but
 - (b) is subject —
 - (i) in the case of an offence which, but for this section would be triable only on information, to the maximum sentence which might be imposed by a Court of General Gaol Delivery;
 - (ii) in the case of an offence triable either way, to the maximum sentence which might be imposed by a Court of General Gaol Delivery; and
 - (iii) in the case of an offence triable only summarily, to the maximum sentence prescribed for the offence. ²².

7 Section 10 amended

In section 10 (changes to jurisdiction of High Bailiff: consequential and incidental amendments) —

- (a) in the heading, for “High Bailiff” substitute ²³ courts of summary jurisdiction ²²;
- (b) in subsection (1), for “the High Bailiff” substitute ²³ courts of summary jurisdiction ²²;
- (c) after subsection (1) insert —

- ❖ (1A) In the SJA 1989, in section 3, in subsections (1) and (3), for “Deputy High Bailiff” substitute ❖ a Deputy High Bailiff ❖.
- (1B) In the SJA 1989, in section 24(1) (consecutive terms of imprisonment), for “12 months” substitute ❖ 24 months ❖. ❖;
- (d) in subsection (2), for “1993” substitute ❖ 1995 ❖;
- (e) in subsection (4), for “the High Bailiff” substitute ❖ courts of summary jurisdiction ❖.

8 Section 11 amended

In section 11 (pre-trial rulings in the summary courts) —

- (a) in inserted section 7A (powers to make rulings at pre-trial hearing), in subsection (2)(b), for “paragraph 1(1)(b) and (3) of Schedule 2A to this Act” substitute ❖ paragraph 2(3) of Schedule 2A ❖;
- (b) in inserted section 7B (effect of rulings at pre-trial hearing), in subsection (1), for “(3), (4) and (7)” substitute ❖ (3) and (6) ❖;
- (c) in inserted section 7C (restrictions on reporting) —
 - (i) in subsections (4)(a) and (5)(a), after “representations of” insert ❖ the prosecution and ❖;
 - (ii) in subsection (11)(a)(ii), after “every electronic communication” insert ❖, including any comments made by a member of the public, ❖;
- (d) in inserted section 7D (offences in connection with reporting), for “Maximum penalty — a level 5 fine.” Substitute —
 - ❖ Maximum penalty — (summary) a fine of level 5 on the standard scale. ❖.

9 Section 12 amended

In section 12 (abolition of committal proceedings), omit subsection (2)(b).

10 Section 13 amended

In section 13 (discontinuance of proceedings in courts of summary jurisdiction: section A8 inserted —

- (a) for “Before section 8 (but after the italic cross-heading preceding that section) insert, —” substitute —

❖ For the italic cross-heading preceding section 8, substitute the following cross heading and section —

Summary proceedings of complaint;

- (b) in inserted section A8, omit the quotation mark in the heading and, in subsections (3), (7) and (8), for “Chief Registrar” substitute **court**.

11 Section 15 amended

In section 15 (indication as to plea: ss 15A and 15B amended) —

- (a) immediately before subsection (1)(a) insert —
(za) in the heading immediately before section 15A, for “Summary trial of offences” substitute **Offences**;
- (b) in subsection (1)(a), at the end insert **and “triable either way”**;
- (c) in subsection (1)(d), for the inserted subsection (10) substitute —
(10) If in respect of the offence the court receives a notice under section 18E, the preceding provisions of this section shall not apply, and the court shall proceed in relation to the offence in accordance with section 18C or, as the case may be, section 18D.;
- (d) in subsection (2)(a), at the end insert **and “triable either way”**;
- (e) in subsection (2)(d), for the inserted subsection (7) substitute —
(7) If in respect of the offence the court receives a notice under section 18E, the preceding provisions of this section shall not apply, and the court shall proceed in relation to the offence in accordance with section 18C or, as the case may be, section 18D.;

12 Section 17 amended

In section 17 (committal for sentence – s. 17 amended), in subsection (4) in the inserted subsection (6), for “Chief Registrar such documents as are prescribed” substitute **court such documents as are prescribed in rules of court**.

13 Section 18 amended

- (1) In section 18 (summary trial of offences triable either way, – S.18 replaced by SS.18 to 18 E) —
- (a) in substituted section 18 (decision as to venue) —
- (i) in subsection (1), for “In the case of an either-way offence, the court must decide whether” substitute **A court of summary jurisdiction before whom an accused is charged with an offence triable either way (referred to in this section and in sections 18C and 18D as an “either-way offence”) must decide whether**;
- (ii) after subsection (1) insert —

- 13(1A)** The accused must be present at the hearing at which the decision described in subsection (1) is made unless —
- (a) the accused has been excused from attending the hearing; and
 - (b) the accused’s legal representative is present at the hearing and is instructed by the accused in relation to the hearing. **13**;
 - (iii) in subsection (3)(a), omit “(including the sentence which the High Bailiff” and the bracket after “1A”;
 - (iv) in subsection (4), omit “(including the High Bailiff)”;
 - (v) omit subsection (5)(c) and re-number paragraph (d) as paragraph (c);
 - (vi) for subsection (6) substitute —
- 13(6)** If, in respect of the offence, the court receives a notice under section 18E (notices in serious or complex fraud cases) the preceding provisions of this section shall not apply, and the court shall proceed in relation to the offence in accordance with section 18C(1). **13**;
- (b) in inserted section 18A —
 - (i) in subsection (2)(b), omit “or (1B)(d)”;
 - (ii) after subsection (2), insert —
- 13(3)** If, in respect of the offence, the court receives a notice under section 18E (notices in serious or complex fraud cases), the preceding provisions of this section shall not apply, and the court shall proceed in relation to the offence in accordance with section 18C(1). **13**;
- (c) in inserted section 18B —
 - (i) number the existing text as subsection (1);
 - (ii) after subsection (1), insert —
- 13(2)** If, in respect of the offence, the court receives a notice under section 18E (notices in serious or complex fraud cases), the preceding provision of this section shall not apply, and the court shall proceed in relation to the offence in accordance with section 18C(1). **13**;
- (d) in inserted section 18C (sending cases to a Court of General Gaol: adults) —
 - (i) in subsection (1), after “Where A” insert **13**(being an adult) **13**;
 - (ii) in subsection (2)(a), after “on information” insert **13**for which the sentence is fixed by law **13**;
 - (iii) in subsection 7, immediately before “the court must” insert **13**subject to subsection (8), **13**;
 - (iv) for subsections (8) and (9) substitute —

- (8)** If C indicates to the summary court that he or she intends to plead guilty to the offences for which C is charged jointly with A or B, the court may instead permit C to enter a plea, and if C pleads guilty –
- (a) commit C to a Court of General Gaol Delivery for sentence; or
 - (b) assign the offences in respect of which C has been charged to the youth court for the sentencing of C.
- (9)** Where the court sends C for trial under subsection (7) or for sentence under subsection (8)(a), it may at the same time send C to a Court of General Gaol Delivery for trial or sentence (as the case may be) for any other offence with which C is charged and which, –
- (a) (if it is an offence triable on information) appears to the court to be related to an offence for which C is sent for trial or committed for sentence; and
 - (b) (if it is a summary offence) appears to the court to be related to the offence for which C is sent for trial or to the offence triable only on information, and which fulfils the requisite condition. **(2)**;
- (e)** in inserted section 18D (sending cases to a Court of General Gaol Delivery: children and young persons) –
- (i) omit subsection (1) and renumber subsections (2) to (7) and cross-references in or in relation to those subsections;
 - (ii) in subsection (1) (as renumbered), after "charged with an offence" insert **(a)** (and the court has not acted in accordance with section 18C(8)(a) or (b)) **(2)**;
 - (iii) after subsection (6) (as renumbered) insert –
- (7)** The trial of the complaint charging any summary offence for which a person is sent for trial under this section is to be treated as if the court had adjourned it under section 9 and had not fixed the time and place for its resumption. **(2)**;
- (iv) omit subsection (9);
- (f)** in inserted section 18E (notices in serious or complex fraud cases) –
- (i) in subsection (3), for "High Bailiff" substitute **(a)** court **(2)**;
 - (ii) for subsection (4) substitute –
- (4)** The effect of such a notice is that the functions of the court of summary jurisdiction cease in relation to the case, except –
- (a) for the purposes of notifying the accused and the Court of General Gaol Delivery of the offence or offences for which a person is sent for trial; and

- (b) as provided by section 18F. ~~22~~;
- (g) after inserted section 18E, insert —

18F Provisions supplementing section 18C and 18D

P1998/37/52 and drafting

- (1) Subject to section 3 of the *Bail Act 1952*, the court may send a person for trial under section 18C or 18D —
 - (a) in custody, that is to say, by committing him to custody there to be safely kept until delivered in due course of law; or
 - (b) on bail in accordance with the *Bail Act 1952*, that is to say, by directing him to appear before a Court of General Gaol Delivery for trial.
- (2) Where—
 - (a) the person's release on bail under subsection (1)(b) is conditional on his providing one or more sureties; and
 - (b) in accordance with section 3 of the *Bail Act 1952*, the court fixes the amount in which a surety is to be bound with a view to his entering into his recognisance subsequently in accordance with section 6, 7, 8 or 9 of that Act,

the court shall in the meantime make an order such as is mentioned in subsection (1)(a).
- (3) If the court sends a person for trial under section 18C or 18D other than in open court—
 - (a) it must do so on bail, and
 - (b) that bail is to be—
 - (i) unconditional, if the accused is not already on bail, or is on unconditional bail, in respect of the charge in question, or
 - (ii) if the accused is already on bail subject to conditions in respect of the charge in question, subject to the same conditions.
- (4) A court of summary jurisdiction may adjourn any proceedings under section 18C or 18D and, if it does, so shall remand the accused in custody or on bail.

18G Restrictions on reporting

P1998/37/52A and drafting

- (1) Except as provided by this section, it is unlawful to publish a report of any proceedings to decide on whether an offence is more suitable for summary trial or trial on information (“venue proceedings”) or

- proceedings for sending an accused to a Court of General Gaol Delivery (“sending proceedings”) in the Island if the report contains any matter other than that permitted by this section.
- (2) A court of summary jurisdiction may, with reference to any venue proceedings or sending proceedings, order that subsection (1) does not apply, or does not apply to a specified extent, to a report of those proceedings.
- (3) Where there is only one accused and the accused objects to the making of an order under subsection (2) —
- (a) the court may make the order if (and only if) it is satisfied after hearing the representations of the prosecution and the accused, that it is in the interests of justice to do so; and
 - (b) if the order is made, it shall not apply to the extent that a report deals with any such objection or representations.
- (4) Where there are two or more accused and one or more of them objects to the making of an order under subsection (2) —
- (a) the court may make the order if (and only if) satisfied after hearing the representations of the prosecution and each of the accused that it is in the interests of justice to do so; and
 - (b) if the order is made, it does not apply to the extent that a report deals with any such objection or representations.
- (5) Subsection (1) does not apply to the publication of a report of matters after the case against the accused or, if more than one, against each of them, is disposed of.
- (6) Subsection (1) does not apply to a report which contains only one or more of the following matters, —
- (a) the identity of the court and the name of the justices;
 - (b) the names, ages, home addresses and occupations of the accused;
 - (c) in the case of an accused charged with an offence in respect of which notice has been given to the court under section 18E, any relevant business information;
 - (d) the offence or offences, or a summary of them, with which the accused or any of the accused are charged;
 - (e) the names of the advocates in the proceedings;
 - (f) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (g) any arrangements as to bail;
 - (h) whether, for the purposes of the proceedings, representation was provided to the accused or any of the accused under the *Legal Aid Act 1986*.

- (7) The addresses that may be published under subsection (5)(b) are addresses —
- (a) at any relevant time; and
 - (b) at the time of their inclusion in the publication.
- (8) The following is relevant business information for the purposes of subsection (5)(c) —
- (a) any address used by the accused for carrying on a business on the accused's own account;
 - (b) the name of any business which the accused was carrying on on the accused's own account at any relevant time;
 - (c) the name of any firm in which the accused was a partner at any relevant time or by which the accused was engaged at any such time;
 - (d) the address of any such firm;
 - (e) the name of any company of which the accused was a director at any relevant time or by which the accused was otherwise engaged at any such time;
 - (f) the address of the registered or principal office of any such company;
 - (g) any working address of the accused in the accused's capacity as a person engaged by any such company.
- (9) Nothing in this section affects any prohibition or restriction imposed by virtue of any other enactment on the publication of a report of any matter.
- (10) In this section references to publication of a report of matters falling within subsection (1) —
- (a) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public, and for this purpose the following are to be treated as so addressed —
 - (i) every relevant programme; and
 - (ii) every electronic communication, including any comments made by a member of the public, on a website or other social medium, and which is capable of being read by a member of the public without being specifically addressed to him or her; but
 - (b) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings.
- (11) In this section —

“venue proceedings or sending proceedings” means, in relation to an information charging an offence triable on information —

- (a) any proceedings in a court of summary jurisdiction at which matters are considered under any of sections 18 to 18E; and
- (b) any proceedings in a court of summary jurisdiction before the court proceeds to consider any matter mentioned in paragraph (a);

“engaged” in subsection (8) means engaged under a contract of service or a contract for services;

“relevant programme” means a programme included in a programme service (within the meaning of section 6 of the *Communications Act 2021*);

“relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

18H Offences in connection with reporting

(1) If a report is published in contravention of section 18G each of the following persons is guilty of an offence —

- (a) in the case of a publication of a report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
- (b) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper;
- (c) in the case of any other publication, any person publishing it.

Maximum penalty — a level 5 fine.

(2) Proceedings for an offence under this section may be instituted only by or with the consent of the Attorney General.

18I Depositions

Paragraphs 4 and 5 of Schedule A1 to the *Criminal Jurisdiction Act 1993* apply in respect of the taking of depositions from witnesses for the purpose of proceedings for an offence for which a person has been sent for trial under section 18C or 18D. **22**

14 Section 19 amended

In section 19 (summary trial of a child or young person: s.19 amended) —

- (a) omit subsection (2)(a);
- (b) in subsection (2)(b), for the substituted words substitute **“**shall deal with the child or young person summarily unless section 18C(7) or (8)(a) or 18D applies.**”**;
- (c) for subsections (3) and (4), substitute —
 - “**(3) Omit subsection (2).
 - (4) For subsection (3) substitute —
 - “**(3) Subject to subsection (4), if on trying a person summarily in pursuance of subsection (1) the court of summary jurisdiction finds the accused guilty (whether or not following a trial), the court may impose such penalty as is permitted by section 1A.
 - (4) The court of summary jurisdiction may, instead of sentencing the person under subsection (3) commit the person in custody or on bail to a Court of General Gaol Delivery for sentence if the conditions set out in subsection (6) are satisfied.
 - (5) The conditions are —
 - (a) the person has been convicted by the court of summary jurisdiction of an offence triable on information; and
 - (b) having obtained further information as to the circumstances of the offence during the trial (if any) the court of summary jurisdiction thinks that greater punishment should be inflicted than the court of summary jurisdiction has power to inflict.
 - (6) An offender so committed shall be committed to a Court of General Gaol Delivery, and the clerk of the court shall notify the Court of General Gaol Delivery, who shall notify the prosecutor and the governor or other person in charge of the place to which the offender is committed of the date on which the case will be dealt with by that Court.
 - (7) Where an offender is so committed, the Court of General Gaol Delivery shall inquire into the circumstances of the case and may deal with the offender in any way in which it could deal with the offender if the offender had just been convicted of the offence on information before the Court.
 - (8) Any duty or power which, apart from subsection (7), would fall to be discharged or exercised by the court of summary jurisdiction shall not be so discharged or exercised but shall instead be discharged or may instead be exercised by the Court of General Gaol Delivery.
 - (9) Where a person is committed for sentence under this section, the clerk of the court must transmit to the Court of General Gaol Delivery such documents as are prescribed in rules of court.**”**, **”**.

15 Section 21 substituted

For section 21 (restriction on fines on children and young persons: s. 27 amended) substitute –

21 Deferment of sentence and sentencing: s. 23A inserted and s. 27 repealed

(1) After section 23, insert –

23A Deferment orders

- (1) This section applies where a person (“P”) who has been convicted is before a court of summary jurisdiction, a report having been provided to the court under section 22.
- (2) Despite section 22(3), the court may make an order (a “deferment order”) deferring the sentencing of P for a period not exceeding 6 months beginning on the date on which the order is made (“deferment period”).
- (3) A deferment order –
 - (a) is to enable the court, when sentencing P, to have regard to P’s conduct after conviction or any change in P’s circumstances;
 - (b) may require P to comply with such requirements as the deferment order may specify.
- (4) A deferment order may be made if –
 - (a) a deferment order has not been previously made in respect of the offence;
 - (b) P consents to the making of the deferment order;
 - (c) P undertakes to comply with such requirements as may be specified in the deferment order;
 - (d) the court is satisfied, having regard to the nature of the offence and the character and circumstances of P, that it would be in the interests of justice to make the deferment order.
- (5) A court which makes a deferment order must forthwith give a copy of the order –
 - (a) to P;
 - (b) the probation officer who has been appointed to act as a supervisor to P.
- (6) A court which makes a deferment order shall specify in the order the date on which P is to return to the court for sentencing, and for

- these purposes, the court is regarded as having adjourned the trial under section 9.
- (7) If a deferment order is made, the probation officer appointed under subsection (5)(b) must –
- (a) monitor P's compliance with the deferment requirements,
 - (b) report to the court if P has failed to comply with any requirements imposed by the deferment order; and
 - (c) provide the court which deals with P for any offence in respect of which the order was made with such information as the court may require relating to P's compliance with the deferment requirements.
- (8) If the supervisor appointed under subsection (5)(b) has reported to the court that P has failed to comply with any deferment requirements, or if P commits another offence during the deferment period, the court may –
- (a) issue a summons requiring P to appear before the court at the time and place specified in the summons, or
 - (b) issue a warrant for P's arrest which requires P to be brought before the court at the time and place specified in the warrant.
- (9) If P does not appear on the date specified in the order under subsection (6), the court may –
- (a) issue a summons requiring P to appear before the court at the time and place specified in the summons, or
 - (b) issue a warrant for P's arrest which requires P to be brought before the court at the time and place specified in the warrant.
- (10) Subsection (11) applies where P is being dealt with by a court for any offence in respect of which a deferment order was made, whether –
- (a) at the end of the period of deferment, in accordance with the deferment order;
 - (b) following P's failure to comply with a deferment requirement; or
 - (c) following P's conviction of an offence during the deferment period.
- (11) The court may deal with P for the offence in any way in which the original court could have dealt with P for the offence if it had not made a deferment order.
- (12) Where the court is dealing with P under subsection (11), the court may deal with P for the offence in any way in which the original

- court could have dealt with P for the offence if it had not made a deferment order, including committing P to the Court of General Gaol Delivery for sentence under section 17.
- (13) Where a court deals with P by committing P to the Court of General Gaol Delivery under section 17, the power of the Court of General Gaol Delivery to deal with P includes the same power to make a deferment order as if P had just been convicted of the offence on information before it. **22**.
- (2) Section 27 (restriction on fines on children and young persons: is repealed. **22**, **22**.

16 Section 23A and 23B inserted

After section 23 insert —

23A Section 30A inserted

After section 30, insert —

30A Offences committed at sea

[VI p389/29]

- (1) An offence that is triable in the court of summary jurisdictions that is committed
- (a) within the seaward limits of the territorial sea adjacent to the Island, or
- (b) on a British ship whilst at sea but first arriving in the Island after the commission of the offence,
- may be tried and punished as if it had been committed within the Island.
- (2) In a complaint or summons for or relating to an offence referred to in subsection (1) the offence shall be averred to have been committed at sea.
- (3) In this section “British ship” means —
- (a) a Manx ship within the meaning of the *Merchant Shipping Registration Act 1991*; and
- (b) any other ship which is a British ship within the meaning of section 2 of the *Merchant Shipping Act 1988* (an Act of Parliament), as it has effect in the United Kingdom. **22**.

23B Section 47 amended

In section 47 (costs) —

(a) in subsection (1), before “on the hearing”, insert “Subject to subsections 1A and 1B.”;

(b) after subsection (1), insert –

“(1A) Subject to the provisions of this or any other Act and to rules of court, the costs of and incidental to all domestic proceedings in a court of summary jurisdiction shall be in the discretion of the court, and the court shall have full power to determine by whom and to what extent the costs are to be paid.

(1B) If the complaint is for an order for the variation of an order for the periodic payment of money, or for the enforcement of such an order, the court may, whatever adjudication it makes, order either party to pay the whole or any part of the other’s costs.”;

(c) after subsection (3), insert –

“(4) Nothing in this section applies to costs in criminal proceedings (see Part 5 of the Justice Reform Act 2021).”.

23C Section 67 amended

In section 67 (proof of convictions), for “court of summary conviction” substitute “court of summary jurisdiction”.

23D Section 69 amended

In section 69 (certificate of conviction or order), omit “Clerk of the”.

23E Section 76 amended

In section 76 (forms of complaint etc), in subsection (4), after “issued” insert “or a person authorised by that witness”.

17 Section 24 amended

In section 24 (limitation of time: s. 75 amended) –

(a) omit subsection (3);

(b) in subsection (4) –

(i) in inserted section 75(2A)(b), omit “(whether including the High Bailiff or not)”;

(ii) for the words “there is specified” to the end substitute “there is specified a maximum period of custody that exceeds six months or a maximum fine that exceeds level 5 on the standard scale.”.

18 Section 26A inserted

After section 26 (Rules of Court: s 91 amended), substitute –

26A Rules of court: s 91 substituted

For section 91 (rules of court) substitute —

91 Rules of court and court forms

- (1) The Deemsters may make rules of court for regulating the procedure of courts of summary jurisdiction and the procedure in any legal proceedings which under any enactment are to be taken before the High Bailiff or a court of summary jurisdiction (whether judicial or administrative).

Tynwald procedure for any rules made under this Act—laying only

- (2) Rules of court may provide that sections 13 and 80 shall with any necessary modifications apply to any document (other than a notice referred to in section 80(7)) issued or made in relation to proceedings in a court of summary jurisdiction as they apply to a summons.

- (3) The Deemsters may prepare or approve forms for use in proceedings in courts of summary jurisdiction.

- (4) Rules of court may
- (a) prescribe the manner in which such forms are to be published; and
 - (b) require the use, in such circumstances or for such purposes as are specified in the rules, of a relevant form so published (including a form published after the making of the rules).

- (5) Rules of court may —

- (a) assign to youth courts the hearing of applications cognisable by justices or courts of summary jurisdiction if, in the opinion of the Deemsters, it is desirable in the interests of the children and young persons concerned that they be heard by youth courts;
- (b) modify in relation to youth courts such of the provisions of this Act and of any enactments relating to offences triable on information as regulate procedure; and
- (c) provide for the allocation of any proceedings to such court of summary jurisdiction as the Chief Registrar thinks convenient, having regard to the nature of the proceedings, the offence to which the proceedings relate, the complexity of the case and any other matter which the Chief Registrar may consider to be relevant in the circumstances.

- (6) Subject to rules of court and any directions of the First Deemster, where any proceedings have been commenced in a court of

summary jurisdiction but the court has not begun to hear evidence in the proceedings, it may, on an application by any party or of its own motion, order that they be transferred to such other court of summary jurisdiction as appears to it more convenient and is specified in the order; and where such an order is made, the proceedings shall be deemed to have been commenced in the court so specified.

(7) Rules of court may make provision —

- (a) authorising or requiring the use of electronic communications for the purposes of giving specified information in the course of, or otherwise in connection with, proceedings;
- (b) specifying technical standards to be met in relation to the method and manner (including methods of authentication) of giving such information;
- (c) specifying the effect of giving (or not giving) information in accordance with standards under paragraph (b);
- (d) specifying how a requirement for a signature in or in connection with the giving of such information is to be met.

(8) Subsections (5) and (6) of section 4 of the *Electronic Transactions Act 2000* (which give an extended meaning to the expression “give information”) apply for the purposes of subsection (7) as they apply for the purposes of that section.

(9) Rules of court may make provision, in respect of proceedings against any person for such offences as may be prescribed in the rules —

- (a) requiring the prosecutor to do such things as may be prescribed for the purpose of securing that the accused or a person representing the accused is furnished with, or can obtain, advance information concerning all, or any prescribed class of, the facts and matters of which the prosecutor proposes to adduce evidence; and
- (b) for requiring a court of summary jurisdiction, if satisfied that any requirement imposed by virtue of paragraph (a) above has not been complied with, to adjourn the proceedings pending compliance with that requirement unless the court is satisfied that the conduct of the case for the accused will not be substantially prejudiced by non-compliance with the requirement.

(10) Rules made under subsection (9)(a) —

- (a) may require the prosecutor to do as provided in the rules either —
 - (i) in all cases; or

- (ii) only if so requested by or on behalf of the accused; and
 - (b) may exempt facts and matters of any prescribed description from any requirement imposed by the rules, and may make the opinion of the prosecutor material for the purposes of any such exemption.
- (11) It shall not be open to a person convicted of an offence to appeal against the conviction on the ground that a requirement imposed by virtue of subsection (9) was not complied with by the prosecutor.
- (12) Nothing in subsections (2) to (11) limits the scope of subsection (1).
- (13) Until the first rules of court are made under this section to regulate the procedure of courts of summary jurisdiction or the procedure in any legal proceedings in respect of a particular matter, the procedure shall be such as the court shall determine in relation to the matter before it. ~~22~~. ~~22~~.

19 Section 27 amended

In section 27 (live audio and video links for proceedings in the summary courts or before the High Bailiff: s. 91A inserted) —

- (a) in inserted section 91A —
 - (i) in subsection (1) for “may authorise of live audio links” substitute ~~23~~may authorise the use of a live audio link or a live video link ~~22~~;
 - (ii) in the second subsection numbered (4) —
 - (A) re-number the subsection as subsection (5);
 - (B) for “subsection (3) disregard” substitute ~~23~~subsection (4) disregard ~~22~~;
- (b) after inserted section 91A, insert —

~~23~~ 91B Requirement to attend court: perjury

- (1) A person who takes part in prescribed proceedings in accordance with a direction under section 91A 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 prescribed proceedings in accordance with a live audio link direction or a live video link direction under section 39AA 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 direction under section 91A 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. **22**.

20 Section 28 amended

In section 28 (enforcement – Part VIII amended) –

- (a) for the heading substitute **63** Enforcement and appeals: Parts VIII and IX amended **22**;
- (b) in subsection (3) (which amends section 94A (enforcement by attachment of earnings or application for benefit deductions)), after paragraph (f), insert –
- 63**(g) after subsection (11) insert –
- 63**(11) In this section “relevant sum” also includes a periodical payments order. **22**, **22**.
- (c) in subsection (8) (which amends section 95 (committal in default)), after paragraph (c)(i), insert –
- 63**(ia) for “under subsection (2)” substitute **63**under subsection (1A) or (2) **22**;
- (d) after subsection (9), insert –
- 63**(9A) In section 96 (enforcement of periodical payments orders), in subsection (4), for “the court shall issue a warrant committing him to custody for a term not exceeding 3 months, unless the court is of the opinion that the non-payment of any sum due under the order was not caused by his wilful refusal or culpable neglect” substitute **63**the court may issue a warrant of commitment committing him to custody for a term not exceeding 3 months where the court is of the opinion that the non-payment of the sum due under the order was caused by his wilful refusal or culpable neglect **22**.
- (9B) In section 98 (allowing time for payment of fine etc), in subsection (2), for “him;” to the end substitute **63**him. **22**.
- (e) after subsection (10), insert –
- 63**(10A) In section 101(1) (exercise of mercy in certain cases) for “Her Majesty” substitute **63**His Majesty **22**.
- (10B) In section 102 (enforcement of other orders), in subsection (3)(b), after “not exceeding 2 months” insert **63**and may suspend such committal until such time and on such conditions, if any, as the court thinks just **22**, **22**.
- (f) in subsection (11), in the inserted section 102A (Interpretation for this Part) –

- (i) for the full stop at the end of paragraph (c) substitute a full stop;
- (ii) after paragraph (c), insert –
 - ❖(d) a periodical payments order.❖;
- (g) after subsection (11) insert –
 - (12) In section 109 (appeal by way of case stated), in subsection (4), for “Except in the case of an application made by or under the direction of the Attorney General, a court” substitute ❖A court❖.❖.

21 Section 29 amended

In section 29 –

- (a) for the heading substitute ❖Part X and Schedule 1 amended❖
renumber the existing text beginning “At the end” as subsection (1);
- (b) after subsection (1) (as renumbered), insert –
 - ❖(2) After section 112, insert –

❖112A Effect of sealed orders etc

Any summons, judgment, order or other document issuing out of a court of summary jurisdiction shall, if sealed or stamped with the seal of the Court, have the same effect as if such summons, judgment, order or document were signed by the High Bailiff or a justice.❖;

- (c) after section 29 insert –

❖29ASchedule 1 amended

In Schedule 1 (forms of oath) –

- (a) in the Oath of Allegiance, for “Her Majesty Queen Elizabeth the Second” substitute ❖His Majesty King Charles the Third❖.
- (b) in the Judicial Oath, for “our Sovereign Lady Queen Elizabeth the Second” substitute ❖our Sovereign Lord of Man King Charles the Third❖.

22 Section 31A inserted

After section 31 (Courts of The General Gaol Delivery: S.1 amended), insert –

❖31ACommencement of proceedings on information – s. 2 amended

- (1) Section 2 (commencement of proceedings on information) is amended as follows.
- (2) In subsection (1), for “Her Majesty” substitute ❖His Majesty❖.

- (3) In subsection (3)(a), for “committal of the defendant” substitute “on the sending of the defendant to a Court of General Gaol Delivery”.
- (4) In subsection (4), for “committed” substitute “sent”.
- (5) Subsection (6) is repealed.

23 Section 32 amended

In section 32 (procedure in connection with offences sent for trial: s. 2A and Sch. A1 inserted), in subsection (2), in the inserted Schedule A1 —

- (a) in paragraph 1 (regulations) —
 - (i) in the heading, for “Regulations” substitute “Rules of court”;
 - (ii) in subparagraph (1) —
 - (A) for “After consulting the Deemsters, the Department of Home Affairs must by regulations” substitute “The Deemsters must make rules of court”;
 - (B) in subparagraph (1)(a), for “Chief Registrar” substitute “court”;
 - (C) for “by the regulations” substitute “by the rules”;
 - (D) in subparagraph (2), for “regulations” substitute “rules”;
 - (E) omit “Tynwald procedure for regulations under subparagraph (1) – approval required.”;
- (b) in paragraph 2 —
 - (i) in subparagraph (3)(a), for “Chief Registrar” substitute “court”;
 - (ii) after subparagraph (5) insert —
 - “(5A) The Attorney General may only prefer an information under subparagraph (5)(a) by the direction of the Court of Appeal or with the consent of a judge of the High Court.”;
 - (iii) after subparagraph (6) insert —
 - “(7) Rules of court made under section 3(2) may make provision as to the manner in which an application is to be made for consent for the preferment of an information under subparagraph (5)(a).”.
- (c) in paragraph 3 —
 - (i) in subparagraph 8(c), for “sub-paragraph (1)” substitute “paragraph 2(1)”;

- (ii) in subparagraph (14), in the definition of “relevant programme” for “the *Telecommunications Act 1984*” substitute **“section 6 of the *Communications Act 2021*”**;
- (d) in paragraph 4 –
 - (i) in subparagraph (6)(b) for “accused” substitute **“person”**;
 - (ii) in subparagraphs (8), (9) and (10), for “Chief Registrar” substitute **“court”**;
- (e) in paragraph 6(4), for “Staff of Government” substitute **“Appeal”**.

24 Section 36 amended

In section 36 (determination of guilt by Deemster alone and ancillary matters: ss. 8A to 8E inserted), inserted sections 8E(2) and 8E(3)(c) are repealed.

25 Section 36A and 36B inserted

After section 36 insert —

36A Unfitness to plead— s. 9 amended

- (1) Section 9 (unfitness to plead) is amended as follows.
- (2) Subsections (3A), (3D), (4), (5) and (8) are repealed.
- (3) In subsection (8A), omit “in any proceedings in respect of which subsections (3B) and (3C) apply”.

36B Admission of depositions – ss. 14 and 15 amended

- (1) In section 14 (Admission of deposition: general) –
 - (a) in subsections (1) and (6), for “section 70 of the 1989 Act” substitute **“paragraph 4 of Schedule A1”**;
 - (b) omit subsection (3) and (5)(a);
- (2) in section 15 (admission of deposition of absent witness) –
 - (a) in subsections (1) and (8), for “section 70 of the 1989 Act” substitute **“paragraph 4 of Schedule A1”**;
 - (b) omit subsection (2) and (7)(a).

26 Section 38A inserted

After section 38 (criminal appeals in respect of rulings: s. 42A amended) insert —

38A Start of trial: s. 42A further amended

In section 42A (criminal appeals in respect of pre-trial rulings), in subsection (7)(b), for “8A, 8B, 8C, 8D or 8E” substitute **“8A, 8B or 8C”**.

27 Section 39A and 39B inserted

After section 39 (powers exercisable by a single judge: s. 43 amended) insert —

39A Section 54B amended

In section 54B (supervision and treatment orders: supplemental), in subsection (5), for “Chief Registrar” substitute **“court”**.

39B Information for libel: s 55 repealed

Section 55 (information for libel) is repealed.

28 Section 42 amended

In section 42 (defence costs) —

- (a) in subsection (4) —
 - (i) in paragraph (a), after “allows an appeal” insert **“under sections 30 to 47 of the CJA 1993”**;
 - (ii) in subsection (4)(b), for “section 33 of the CJA 1993 the entry of a judgement and verdict of acquittal” substitute **“section 46(4)(b) of the CJA 1993 the entry of a verdict of acquittal”**;
- (b) in subsection (4)(d), for “that Part” substitute **“sections 30 to 47 of the CJA 1993”**;
- (c) in subsection (4)(e), for “section 36 of that Act” substitute **“section 30(2) or 30(3) of the CJA 1993”**;
- (d) in subsection (7) —
 - (i) for “the individual” in both places where it appears substitute **“the person”**;
 - (ii) for “any expenses” substitute **“any costs and expenses”**.

29 Section 43 amended

In section 43 (legal costs) —

- (a) in subsection (5)(d), for “the Chief Registrar has made a determination” substitute **“a relevant authority (within the meaning of the *Legal Aid Act 1986*) has made a determination”**;
- (b) after subsection (6)(b) insert —
 - “Tynwald procedure – approval required.”**
- (c) in subsection (10), in the definition of “determination of financial ineligibility”, for “section 2” substitute **“Part II”**.

30 Section 44 amended

In section 44 (award of costs against accused), in subsection (2) —

- (a) in paragraph (b), for “Her Majesty” substitute **“His Majesty”**;
- (b) after paragraph (c), insert —
 - “(d) an appeal or application for leave to appeal under section 103 of the SJA 1989, ”.**

31 Section 45 amended

In section 45 (provision for orders as to costs in other circumstances) —

- (a) in subsection (3)(c)(i), for “section 23 of the SJA 1989 or section 19(4) or 54C(5) of the CJA 1993 (remand for medical examination)” substitute **“section 23 of the SJA 1989 (remand for medical reports), section 24 of the CJA 1993 (power to adjourn for reports), section 19(4) of the CJA 1993 (evidence of mental disorder) or section 54C(5) of the CJA 1993 (power to make hospital and limitation directions)”**;
- (b) in subsection (4)(a), for “section 48(2)” substitute **“section 48(2)(d)”**;
- (c) in subsection (6) —
 - (i) in paragraph (b)(i), omit “or a community service order”;
 - (ii) in paragraph (b)(ii), for “section 19(4) or 54C(5) of the CJA 1993 (remand of a defendant for medical examination)” substitute **“or section 24 of the CJA 1993”**;
- (d) in subsection (11), after “Tynwald procedure” insert **“for regulations under this section”**.

32 Section 47 amended

In section 47 (provision for award of costs against third parties), in subsection (1), for “summary courts of summary jurisdiction, Courts of General Gaol Delivery and the Staff of Government” substitute **“courts of summary jurisdiction, Courts of General Gaol Delivery and the Appeal”**.

33 Section 48 amended

In section 48 (regulations) —

- (a) in subsection (4), after “paid under” insert **“Part II of”**;
- (b) after subsection (5) insert —
 - “(6) The Treasury must consult with the Deemsters before making regulations under this Part.”**

34 Section 50 amended

In section 50 (amendment and repeals consequent on provision made Part IV of the SJA 1989) —

- (a) after subsection (1), insert –
 - (1A) At the end of section 107 (costs) of SJA 1989 add, –
 - (3)** Nothing in this section applies to costs in criminal proceedings (see Part 5 of the *Justice Reform Act 2021*). **(2)**.
- (b) in subsection (2)(a), before “sections”, insert **(3)** the cross-heading before section 28 and **(2)**;
- (c) for subsection (2)(b), substitute –
 - (b)** the cross-heading before section 28 and sections 48 to 53 **(2)**.

35 Section 52 amended

In section 52 (interpretation) –

- (a) in the definition of “unconditional caution”, for “section 55(2)” substitute **(3)** section 55(3) **(2)**;
- (b) for the definition of “youth caution” substitute –
 - (3)** “youth caution” has the meaning given by section 65; **(2)**.

36 Section 54 amended

In section 54(5) (duty to consult victims), in subsection (2)(a), after “victim” insert **(3)** (if any) **(2)**.

37 Conditional cautions: Sections 57 and 61 amended

- (1) In section 57 (conditional cautions), after subsection (9), insert –
 - (9A)** An authorised person –
 - (a) must consult the Isle of Man Immigration Office before giving a conditional caution to a relevant offender that would bring about the departure of the relevant offender from the Island; and
 - (b) must not give such a conditional caution if the Isle of Man Immigration Office notifies the authorised person that the offender is subject to control under the Immigration Acts (within the meaning of Section 61 of the UK Borders Act 2007 (of Parliament), as it applies to the Island¹). **(2)**.
- (2) In section 61 (arrest for failure to comply) –
 - (a) omit subsection (4)(b);
 - (b) in subsection (8), omit “or to enable that power to be exercised,”.

¹

38 Section 63 amended

In section 63 (code of practice: cautions and youth cautions), in subsection (2)(e), for “person authorised” substitute **43** authorised person **42**.

39 Section 67 amended

In section 67 (anti-social behaviour etc.: out-of-court disposals) —

- (a) insert **43** and **42** at the end of subsection (1)(b);
- (b) in subsection (1)(c) omit “for an injunction” and “or taking other court proceedings”.

40 Section 68A and 68B inserted

After section 68, insert —

43 68A Records concerning searches – section 7 amended

In section 7 (duty to make records concerning searches), in subsection (9), for “12 months” substitute **43** 3 months **42**;

68B Section 40 amended

In section 40 (duties of custody officer before charge), in subsection (13) in the definition of “arrested juvenile” omit “and is not excluded from this Part by section 55”.

68C Section 55 repealed

Section 55 (children: serious offences) is repealed.

41 Section 69 substituted

For section 69 (fingerprinting: s. 64 amended) substitute —

43 69 Fingerprinting: section 64 substituted

For section 64 (fingerprinting) substitute —

43 64 Fingerprinting.

- (1) Except as provided by this section no person’s fingerprints may be taken without the appropriate consent.
- (2) Consent to the taking of a person’s fingerprints must be in writing if it is given at a time when the person is at a police station.
- (3) The fingerprints of a person detained at a police station may be taken without the appropriate consent if —

- (a) the person is detained in consequence of his arrest for a recordable offence; and
 - (b) the person has not had his or her fingerprints taken in the course of the investigation of the offence by the police.
- (4) The fingerprints of a person detained at a police station may be taken without the appropriate consent if –
 - (a) the person has been charged with a recordable offence or informed that he or she will be reported for such an offence; and
 - (b) the person has not had his or her fingerprints taken in the course of the investigation of the offence by the police.
- (5) Where a person mentioned in subsection (3)(a) or (4)(a) has already had his or her fingerprints taken in the course of the investigation of the offence by the police, that fact shall be disregarded for the purposes of that subsection if –
 - (a) the fingerprints taken on the previous occasion do not constitute a complete set of his fingerprints; or
 - (b) some or all of the fingerprints taken on the previous occasion are not of sufficient quality to allow satisfactory analysis, comparison or matching (whether in the case in question or generally).
- (6) The fingerprints of a person who has answered to bail at a court or police station may be taken without the appropriate consent at the court or station if –
 - (a) the court, or
 - (b) an officer of at least the rank of inspector,authorises them to be taken.
- (7) A court or officer may only give an authorisation under subsection (6) if –
 - (a) the person who has answered to bail has answered to it for a person whose fingerprints were taken on a previous occasion and there are reasonable grounds for believing that he or she is not the same person; or
 - (b) the person who has answered to bail claims to be a different person from a person whose fingerprints were taken on a previous occasion.
- (8) An officer may give an authorisation under subsection (6) orally or in writing but, if the officer gives it orally, he or she shall confirm it in writing as soon as is practicable.
- (9) The fingerprints of a person may be taken without the appropriate consent if (before or after the coming into force of this subsection)

- the person has been arrested for a recordable offence and released and—
- (a) the person has not had his or her fingerprints taken in the course of the investigation of the offence by the police; or
 - (b) the person has had his or her fingerprints taken in the course of that investigation but –
 - (i) subsection (5)(a) or (b) applies, or
 - (ii) subsection (11) applies.
- (10) The fingerprints of a person not detained at a police station may be taken without the appropriate consent if (before or after the coming into force of this subsection) the person has been charged with a recordable offence or informed that he or she will be reported for such an offence and –
- (a) the person has not had his or her fingerprints taken in the course of the investigation of the offence by the police; or
 - (b) the person has had his or her fingerprints taken in the course of that investigation but –
 - (i) subsection (5)(a) or (b) applies, or
 - (ii) subsection (11) applies.
- (11) This subsection applies where –
- (a) the investigation was discontinued but subsequently resumed; and
 - (b) before the resumption of the investigation the fingerprints were destroyed pursuant to section 68.
- (12) Subject to this section, the fingerprints of a person may be taken without the appropriate consent if (before or after the coming into force of this subsection) –
- (a) the person has been convicted of a recordable offence, or
 - (b) the person has been given a caution in respect of a recordable offence which, at the time of the caution, he or she has admitted, and
- either of the conditions mentioned in subsection (13) is met.
- (13) The conditions referred to in subsection (12) are –
- (a) the person has not had his fingerprints taken since he or she was convicted or cautioned;
 - (b) the person has had his or her fingerprints taken since then but subsection (5)(a) or (b) applies.
- (14) Fingerprints may only be taken as specified in subsection (12) with the authorisation of an officer of at least the rank of inspector.

- (15) An officer may only give an authorisation under subsection (14) if the officer is satisfied that taking the fingerprints is necessary to assist in the prevention or detection of crime.
- (16) A constable may take a person's fingerprints without the appropriate consent if –
- (a) the constable reasonably suspects that the person is committing or attempting to commit an offence, or has committed or attempted to commit an offence; and
 - (b) either of the two conditions mentioned in subsection (17) is met.
- (17) The conditions are that –
- (a) the name of the person is unknown to, and cannot be readily ascertained by, the constable;
 - (b) the constable has reasonable grounds for doubting whether a name furnished by the person as his or her name is his or her real name.
- (18) The taking of fingerprints by virtue of subsection (16) does not count for any of the purposes of this Act as taking them in the course of the investigation of an offence by the police.
- (19) Subject to this section, the fingerprints of a person may be taken without the appropriate consent if –
- (a) under the law in force in a country or territory outside the Island the person has been convicted of an offence under that law (whether before or after the coming into force of this subsection and whether or not the person has been punished for it);
 - (b) the act constituting the offence would constitute a qualifying offence if done in the Island (whether or not it constituted such an offence when the person was convicted); and
 - (c) either of the conditions mentioned in subsection (20) is met.
- (20) The conditions referred to in subsection (19)(c) are –
- (a) the person has not had his or her fingerprints taken on a previous occasion under subsection (19);
 - (b) the person has had his or her fingerprints taken on a previous occasion under that subsection but subsection (5)(a) or (b) applies.
- (21) Fingerprints may only be taken as specified in subsection (19) with the authorisation of an officer of at least the rank of inspector.

- (22) An officer may only give an authorisation under subsection (21) if the officer is satisfied that taking the fingerprints is necessary to assist in the prevention or detection of crime.
- (23) Where a person's fingerprints are taken without the appropriate consent by virtue of any power conferred by this section –
- (a) before the fingerprints are taken, the person shall be informed of –
 - (i) the reason for taking the fingerprints;
 - (ii) the power by virtue of which they are taken; and
 - (iii) in a case where the authorisation of the court or an officer is required for the exercise of the power, the fact that the authorisation has been given; and
 - (b) those matters shall be recorded as soon as practicable after the fingerprints are taken.
- (24) If a person's fingerprints are taken at a police station or, by virtue of subsection (6) or (16), at a place other than a police station, whether with or without the appropriate consent –
- (a) before the fingerprints are taken, an officer (or where, by virtue of subsection (6) or (16), the fingerprints are taken at a place other than a police station, the constable taking the fingerprints) shall inform him or her that they may be the subject of a speculative search; and
 - (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the fingerprints have been taken.
- (25) If the person is detained at a police station when the fingerprints are taken, the matters referred to in subsection (23)(a)(i) to (iii) and, in the case falling within subsection (24), the fact referred to in paragraph (b) of that subsection shall be recorded on his or her custody record.
- (26) Any power under this section to take the fingerprints of a person without the appropriate consent, if not otherwise specified to be exercisable by a constable, shall be exercisable by a constable.
- (27) Nothing in this section –
- (a) affects any power conferred by paragraph 18(2) of Schedule 2 to the Immigration Act 1971 (an Act of Parliament); or
 - (b) applies to a person arrested or detained under the terrorism provisions or detained under section 30 of, or Schedule 7 to, the *Anti-Terrorism and Crime Act 2003*.
- (28) Nothing in this section applies to person arrested under an extradition arrest power. ~~22~~, ~~22~~.

42 Section 70 amended

In section 70 (which amends section 66 (other samples) of the *Police Powers and Procedures Act 1988*), for “for the words following “if” substitute —” substitute **63** for “if he has been convicted of a recordable offence” substitute **63** if – **62 62**.

43 Section 74A inserted

After section 74, insert –

74A Section 81 amended

In section 81(1) (general interpretation), omit the definition of “registered nurse” and “registered medical practitioner”. **62**.

44 Section 75 repealed

Section 75 (CJA 2001 amended) is repealed.

45 Section 77 repealed

Section 77 (*Sex Offenders Act 2006* amended) is repealed.

46 Section 78 amended

In section 78 (offences leading to immediate financial penalties) –

- (a) for the entries relating to the *Telecommunications Act 1984*, substitute –

63 <i>Communications Act 2021</i>	
s. 109(4)	for the purpose of causing annoyance, inconvenience or needless anxiety to another, sending, by means of a public electronic communications system a message which is false and which the sender knows or believes to be false; causing such a message to be sent; or persistently making use of a public electronic communications network 62

- (b) for the entries relating to the *Licensing Act 1995* substitute –

<i>Liquor Licensing and Public Entertainments Act 2021</i>	
s. 31(1)	procuring liquor for consumption by an intoxicated

	person in or in close proximity to licensed premises
s. 31 (2)	aiding an intoxicated person in obtaining or consuming liquor in licensed premises
s. 41(1)	While in a public place while drunk, acts in an indecent or disorderly manner; is drunk and incapable of taking care of himself or herself; is drunk while in charge of any horse or cattle or any carriage or cart; is drunk while in charge of a child under the age of 10 years
s.42(1)	consuming liquor in a public place after being warned by a police officer not to do so

47 Section 80 amended

In section 80 (penalty notices) —

(a) after subsection (4), insert —

▢ (4A) If a person under the age of 16 is given a penalty notice,

- (a) a constable or authorised person must notify the responsible person of the giving of the notice; and
- (b) the responsible person is to be liable, in accordance with regulations made by the Department, to pay the penalty under the notice. ▢;

(b) in subsection (5), for the definition of “penalty notice” substitute —

▢ “**penalty notice**” means a notice offering the opportunity, by paying a penalty in accordance with this Division, to discharge any liability to be convicted of the offence to which the notice relates; ▢;

(c) in subsection (6), for “paragraph (b) of the definition of “penalty notice” in subsection (5) includes” substitute ▢ subsection 4A(b) may include ▢.

48 Section 84 amended

In section 84 (code of practice), for subsection (2), substitute —

▢ (2) An order under subsection (1) may make provision in relation to the matters in that subsection by applying, adopting or incorporating, with or without modification, the provisions of any

- document as in operation at a particular time, or as in operation from time to time.
- (3) Subsection (2) applies even if the document mentioned in that subsection makes provision for a matter by applying, adopting or incorporating, with or without modification, another document as in operation at a particular time, or from time to time
 - (4) When the Department proposes to make an order to which this section applies, it must prepare and publish a draft of that order, and consider any representations made to it about the draft or the code to which it applies, and may modify the draft accordingly.
 - (5) An order bringing a code, or a revision of a code, into operation may include transitional or saving provisions.
 - (6) A police officer shall be liable to disciplinary proceedings for a failure to comply with any provision of a code to which this section applies.
 - (7) An authorised person must have regard to any relevant provision of a code provided for under this section when exercising their powers under this Division.
 - (8) A failure on the part —
 - (a) of a police officer to comply with any provision of such a code; or
 - (b) an authorised officer to have regard to any relevant provision of such a code when exercising their powers,
 shall not of itself render the police officer or authorised person liable to any criminal or civil proceedings.
 - (9) In all criminal and civil proceedings any such code shall be admissible in evidence; and if any provision of such a code appears to the court or tribunal conducting the proceedings to be relevant to any question arising in the proceedings it shall be taken into account in determining that question. **22**.

49 Section 109 amended

In section 109 (*Rehabilitation of Offenders Act 2001* amended), subsection (5) is repealed.

50 Section 114 amended

In section 114 (*Criminal Justice, Police and Courts Act 2007*: sections 30A to 30D inserted) —

- (a) in the heading, for “: sections 30A to 30D inserted” substitute **23** amended **22**;

- (b) renumber the text beginning “Immediately after section 30” as subsection (2);
- (c) before subsection (2) insert –
 - 33(1) The *Criminal Justice, Police and Courts Act 2007* is amended as follows. 32;
- (d) in subsection (2) (as renumbered) –
 - (i) omit “of the *Criminal Justice, Police and Courts Act 2007*”;
 - (ii) in inserted section 30D, omit subsection (2);
- (e) after subsection (2) (as renumbered), insert –
 - 33(3) In section 35 (rules of court) for “this Part” substitute 34 this Act 32.
- (4) After section 36 (evidence by video recording), insert –

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. .

- (5) After the heading “Part 10 – sentencing principles”, but before section 41, insert –After section 40 insert –

40A Sentencing Council

- (1) The Department may by Regulations establish a Sentencing Council ("the Council").

Tynwald procedure – approval required.

- (2) 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. **22**.

- (6) After section 41 (influence of alcohol: effect on sentence), insert –

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 as 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);

- (1) 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. ~~22~~, ~~22~~.
- (7) After section 49 (sections 47 and 48: supplementary), insert –

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. 22. 22.

51 Schedule 1 amended

- (1) Schedule 1 (amendments) is amended as follows.
- (2) In paragraph 5 (devising treason – ss. 8 and 9 amended) –
 - (a) in paragraph (a), for “omit “Treasury-felony and””, substitute 22 for “Treasury-felony, and offences against the Queen’s” substitute 22 Offences against the Sovereign’s 22;
 - (b) in paragraph (b), for subparagraphs (i) and (ii), substitute –
 - 22 (i) for “Lady the Queen, her” substitute 22 Sovereign, His or Her 22;
 - (ii) for “Her Majesty’s dominions or countries, or to levy war against Her Majesty, her heirs” substitute 22 His or Her Majesty’s dominions or countries, or to levy war against His or Her Majesty, His or Her heirs 22;
 - (iii) for “compel her or them to change her or their” substitute 22 compel Him or Her or them to change His or Her or their 22;
 - (iv) for “Her Majesty’s dominions or countries under the obeisance of Her Majesty, her heirs” substitute 22 His or Her Majesty’s dominions or countries under the obeisance of His or Her Majesty, His or Her heirs 22;
 - (v) for “of felony” substitute 22 of an offence 22; and
 - (vi) for “imprisonment” substitute 22 custody 22.
- (3) In paragraph 6 (inciting to mutiny – s. 11 amended), for “In section 11 for the words from “of felony” to the end substitute –”

22 In section 11 –

 - (a) for “Her Majesty’s” in both places where it appears substitute 22 His or Her Majesty’s 22;
 - (b) for the words from “of felony” to the end substitute – 22
- (4) In paragraph 9 (meetings for illegal training or drilling – s. 16 amended) –
 - (a) in subparagraph (5), in the substituted text, for paragraphs (a) and (b), substitute –

- (a) (on information) - 5 years' custody and a fine;
(b) (summary) 2 years' custody and a fine. 22
- (b) in subparagraph (6), in substituted subsection (3), for "Maximum penalty" to the end, substitute —
23 Maximum penalty (summary) 2 years' custody and a fine. 22.
- (5) In paragraph 11 (conspiring or soliciting to commit murder — s.19 amended), for the text in paragraph 11 substitute —
23 In section 19 —
(a) for "Her Majesty or not, and whether he be within the Queen's dominions or not," in both places where it appears substitute 23 His or Her Majesty or not, and whether he or she be within His or Her Majesty's dominions or not, 22;
(b) for the words from "shall be guilty of a misdemeanour" to the end of the section substitute 23 is guilty of an offence.
Maximum penalty (on information) — custody for life 22.
- (6) In paragraph 14 (threats to kill or cause serious injury — s. 31 amended) —
(a) immediately after the heading insert —
23 (1) For the cross-heading "Letters threatening to murder" substitute 23 Threats to kill 22, 22;
(b) number the text beginning "In section 31" as subsection (2).
- (7) In paragraph 24 (assault on a peace officer or to commit an offence — section 51 substituted), in the substituted text, for "Maximum penalty" to the end, substitute —
23 Maximum penalty (summary) 2 years' custody and a fine. 22.
- (8) In paragraph 25 (assaulting coroner or other peace officer in execution of that officer's duty—s.52 substituted), in the substituted text), for "Maximum penalty" to the end, substitute —
23 Maximum penalty (summary) 2 years' custody and a fine. 22.
- (9) In paragraph 26 (aggravated assaults — section 59 amended), in subparagraph (4), in the substituted text, for "Maximum penalty" to the end, substitute —
23 Maximum penalty (summary) 2 years' custody and a fine. 22.
- (10) In the following paragraphs for "or" immediately after "custody, in every place where it occurs in the following provisions, substitute 23 and 22 —
(a) paragraph 27 (assault occasioning actual bodily harm: section 60 substituted), in substituted paragraphs (a) and (b);
(b) paragraph 34 (endangering the safety of travellers — s. 118 amended), in subparagraph (3), in the substituted paragraph (b);

- (c) paragraph 35 (obstructing engines or carriages on railways — s. 119 amended), in subparagraph (3), in substituted paragraphs (a) and (b);
 - (e) paragraph 48 (forcible detainer — s. 334 amended), in substituted section 334;
 - (f) paragraph 53 (perverting or attempting to pervert the course of justice — ss. 347A and 347C inserted), in inserted section 347A and 347B);
- (11) In paragraph 30 (concealing the birth of a child — s. 73 amended, in subparagraph (3), in the substituted text, for “Maximum penalty” to the end, substitute —
- ▮ **Maximum penalty (summary) 2 years’ custody and a fine. ▮.**
- (12) In paragraph 31 (alternative verdicts of wounding and assault — ss. 82 and 83 substituted) —
- (a) in subparagraph (1), in the substituted section 82 —
 - (i) in subsection (3), for “1991” substitute **1993 ▮**;
 - (ii) immediately after the substituted section 82(3), insert —
 - ▮ (4) In a case where the defendant’s guilt is to be determined by the a court of summary jurisdiction (see section 1A of the *Summary Jurisdiction Act 1989*), references to the jury in subsections (1) and (2) are to be read as references to the court of summary jurisdiction trying the matter and section 36A (alternative verdicts) of the *Summary Jurisdiction Act 1989* applies to such a case. **▮**;
 - (b) in subparagraph (2), in the substituted section 83(2), after “Section 82(3)” insert **▮** and (4) **▮**.
- (13) In paragraph 40 (obstructing officers of courts etc: section 318 amended), in subparagraph (4), for the substituted text, substitute—
- ▮ **Maximum penalty (summary) 2 years’ custody and a fine. ▮.**
- (14) In paragraph 43 (maximum penalties for offences under section 319 and 320), for the text in substituted section 321 substitute —
- ▮ **A person guilty of an offence under section 319 or 320 is liable on summary conviction to 2 years’ custody and a fine. ▮.**
- (15) In paragraph 46 (riot — s. 332 amended), in subparagraph (b), in the substituted text, for “Maximum penalty” to the end, substitute —
- ▮ **Maximum penalty (summary) 12 months’ custody and a fine. ▮.**
- (16) In paragraph 47 (forcible entry — s. 333 amended), in subparagraph (b), in the substituted text, for “Maximum penalty” to the end, substitute —
- ▮ **Maximum penalty (summary) 12 months’ custody and a fine. ▮.**
- (17) In paragraph 49 (removing dead bodies to sell — s. 339 amended, for subparagraph (2) substitute —

- (18) In paragraph 52 (contamination of, or interference with goods with the intention of causing public alarm or anxiety — s. 342 substituted —
 (a) in substituted subsection 342(5)(a), for “or” substitute **66** and **62**;
 (b) in substituted subsection 342(5)(b), for “custody,” substitute **66** custody and **62**.
- (19) In paragraph 59 (interpretation – s.422 amended) in subsection (2), after “definitions of” insert **66** “cattle”, “document of title to goods”, “document of title to lands”, **62**.
- (20) In paragraph 60 (repeal) —
 (a) number the existing text as subsection (1);
 (b) after subsection (1) (as renumbered) insert —
66 (2) The following cross-headings are repealed —
 Attempts to murder;
 Unnatural offences;
 As to larceny of cattle or other animals;
 As to forging records, process, instruments of evidence, etc.;
 As to other matters;
 As to accessories generally. **62**.
- (21) In paragraph 61 (*Customary Laws Act 1417*), for ““Points of Fellony”” substitute **66** “in Points of Fellony” **62**.
- (22) In paragraph 66 (*Bankruptcy Code 1892*) —
 (a) in paragraph (3)(b), for the inserted text substitute —
66 Maximum penalty (summary) 2 years’ custody and a fine. **62**;
 (b) in paragraph (4), in the substituted text, for “Maximum penalty” to the end, substitute —
66 Maximum penalty (summary) 2 years’ custody and a fine. **62**;
 (c) in paragraph (5)(b), for the inserted text substitute —
66 Maximum penalty (summary) 12 months’ custody and a fine. **62**.
- (23) In paragraph 67 (*Industrial and Building Societies Act 1892*), in paragraph (b), in paragraph (4)(b), in the substituted text, for “Maximum penalty” to the end, substitute —
66 Maximum penalty (summary) 2 years’ custody and a fine. **62**.
- (24) In paragraph 68 (*Loans (Infants) Act 1907*), in subparagraph (2) in the substituted text, for “or” substitute **66** and **62**.

- (25) Paragraph 69 (*Obscene Publications and Indecent Advertisements Act 1907*) is repealed
- (26) In paragraph 70 (*Partnership Act 1909*), in the substituted text, for “Maximum penalty” to the end, substitute —
 | **63** Maximum penalty (summary) 2 years’ custody and a fine. **62**.
- (27) In paragraph 74 (*Census Act 1929*), in the substituted text, for “Maximum penalty” to the end, substitute —
 | **63** Maximum penalty (summary) 2 years’ custody and a fine. **62**.
- (28) In paragraph 75 (*Companies Act 1931*) —
 (a) in subparagraph (2), in the substituted text, for “Maximum penalty” to the end, substitute —
 | **63** Maximum penalty (summary) 2 years’ custody and a fine. **62**.
 (b) in subparagraph (4)(c) —
 (i) in substituted paragraph (a)(ii), for “or” substitute **63** and **62**;
 (ii) for substituted paragraph (b) substitute —
 | **63** for any other paragraph, (summary) 2 years’ custody and a fine. **62**;
 (c) in paragraph (6), in the substituted text, for “Maximum penalty” to the end, substitute —
 | **63** Maximum penalty (summary) 2 years’ custody and a fine. **62**.
 (d) in paragraph (7)(c), for the substituted text substitute —
 | **63** Maximum penalty (summary) 2 years’ custody and a fine. **62**;
 (e) in paragraph (8), in the substituted text, for “Maximum penalty” to the end substitute —
 | **63** Maximum penalty (summary) 2 years’ custody and a fine. **62**.
- (29) In paragraph 79 (*Bail Act 1952*) —
 (a) in inserted section 3A(9)(c)(ii), for “Staff of Government” substitute **63** Appeal **62**;
 (b) after paragraph (3), insert —
63 (3A) After renumbered section 3B, insert —

63 3C Reconsideration of decisions granting bail

P1976/63/5B and drafting

- (1) This section applies where a court has granted bail in criminal proceedings in connection with an offence to which this section applies or in proceedings for such an offence.
- (2) The court may, on application by the prosecutor for the decision to be reconsidered—
 | (a) vary the conditions of bail;

- (b) impose conditions in respect of bail which has been granted unconditionally; or
 - (c) withhold bail.
- (3) The offences to which this section applies are offences triable on information and offences triable either way.
- (4) No application for the reconsideration of a decision under this section shall be made unless it is based on information which was not available to the court or constable when the decision was taken.
- (5) Whether or not the person to whom the application relates appears before it, the court shall take the decision in accordance with section 3B.
- (6) Where the decision of the court on a reconsideration under this section is to withhold bail from the person to whom it was originally granted the court shall—
 - (a) if that person is before the court, remand him or her in custody, and
 - (b) if that person is not before the court, order him or her to surrender himself or herself forthwith into the custody of the court.
- (7) Where a person surrenders himself or herself into the custody of the court in compliance with an order under subsection (5), the court shall remand the person in custody.
- (8) A person who has been ordered to surrender to custody under subsection (5) above may be arrested without warrant by a constable if the person fails without reasonable cause to surrender to custody in accordance with the order.
- (9) A person arrested under subsection (7) above shall be brought as soon as practicable, and in any event within 24 hours after his or her arrest, before a justice of the peace and the justice shall remand him or her in custody.
- (10) In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.
- (11) Where the court, on a reconsideration under this section, refuses to withhold bail from a relevant person after hearing representations from the prosecutor in favour of withholding bail, then the court shall give reasons for refusing to withhold bail.
- (12) In subsection (9), “relevant person” means a person to whom section 3B is applicable.
- (13) A court which under subsection (11) is required to give reasons for its decision shall include a note of those reasons in any record of its

decision and, if requested to do so by the prosecutor, shall cause the prosecutor to be given a copy of any such record as soon as practicable after the record is made.

(14) Rules of Court shall include provision—

- (a) requiring notice of an application under this section and of the grounds for it to be given to the person affected, including notice of the powers available to the court under it;
- (b) for securing that any representations made by the person affected (whether in writing or orally) are considered by the court before making its decision.

3D Prosecution right of appeal against granting of bail

P1993/26/1 and drafting

- (1) Where a court of summary jurisdiction grants bail to a person who is charged with, or convicted of, an offence punishable by imprisonment, the prosecution may appeal to a Court of General Gaol Delivery against the granting of bail.
- (2) Where a Court of General Gaol Delivery grants bail to a person who is charged with, or convicted of, an offence punishable by imprisonment, the prosecution may appeal to the High Court against the granting of bail.
- (3) An appeal under subsection (2) may not be made where a Deemster has granted bail on an appeal under subsection (1).
- (4) Subsections (1) and (2) apply only where the prosecution is conducted —

- (a) by or on behalf of the Attorney General; or
- (b) by a person falling within such class or description of person as may be prescribed for the purposes of this section by order made by the Department.

Tynwald procedure – negative.

- (5) An appeal under subsection (1) or (2) may be made only if —
 - (a) the prosecution made representations that bail should not be granted; and
 - (b) the representations were made before bail was granted.
- (6) If the prosecution wishes to exercise the right of appeal set under subsection (1) or (2), the prosecution must —
 - (a) give oral notice of appeal to the court which granted bail at the conclusion of the proceedings in which bail has been granted and before the release from custody of the person concerned; and

- (b) serve written notice of appeal within two hours of the conclusion of such proceedings on the court which granted bail and on the person concerned.
- (7) Upon receipt from the prosecution of oral notice of appeal from its decision to grant bail the court which has granted bail must remand in custody the person concerned until the appeal is determined or otherwise disposed of.
- (8) Where the prosecution fails to serve one or both of the notices required by subsection (6)(b) within the period of two hours mentioned in that subsection, the appeal shall be deemed to have been disposed of.
- (9) The hearing of an appeal under subsection (1) or (2) against a decision of the court to grant bail shall be commenced within forty-eight hours, excluding weekends and any public holiday, from the date on which oral notice of appeal is given.
- (10) At the hearing of any appeal by the prosecution under this section, such appeal shall be by way of re-hearing, and the Deemster hearing any such appeal may remand the person concerned in custody or may grant bail subject to such conditions (if any) as the Deemster thinks fit.
- (11) In relation to a person under the age of 18 —
 - (a) the references in subsections (1) and (2) to an offence punishable by imprisonment are to be read as references to an offence which would be so punishable in the case of an adult; and
 - (b) the references in subsections (7) and (10) to remand in custody are to be read as remands to accommodation provided by the Department of Health and Social Care.

3E Limit on applications for bail

P1976/63/sch 1, Part IIA and drafting

- (1) If the court decides not to grant the defendant bail, it is the court's duty to consider, at each subsequent hearing while the defendant is a person to whom section 3C applies and remains in custody, whether the defendant ought to be granted bail.
- (2) At the first hearing after that at which the court decided not to grant the defendant bail, the defendant may support an application for bail with any argument as to fact or law that he or she desires (whether or not he or she has advanced that argument previously).
- (3) At subsequent hearings the court need not hear arguments as to fact or law which it has heard previously. ~~22.22~~;
- (d) after subparagraph (4), insert —

- (5) Section 10 is repealed.
- (30) In paragraph 80 (*Forgery Act 1952*) —
- (a) in subparagraph (4) (in inserted section 5(4)(a)), for “Her Majesty’s” substitute “His Majesty’s”;
 - (b) in subparagraph (8)(b), for the inserted text substitute —
“Maximum penalty (summary) 2 years’ custody and a fine.”;
 - (c) in subparagraph (9)(d), for the inserted text substitute —
“Maximum penalty (summary) 2 years’ custody and a fine.”;
- (31) In paragraph 81 (*Perjury Act 1992*) —
- (a) in subparagraphs (2), (4), (5) and (6), in the substituted texts, in each place where it occurs for “or” substitute “and”;
 - (b) after subparagraph (1), insert —
“(1A) In section 1(4) and 1(5) for “Her Majesty’s” wherever it occurs substitute “His Majesty’s”;
 - (c) in subparagraph (3), for “Maximum penalty” to the end substitute —
“Maximum penalty (summary) 2 years’ custody and a fine.”;
 - (d) in subparagraph (7), for “Maximum penalty” to the end substitute —
“Maximum penalty (summary) 2 years’ custody and a fine.”;
 - (e) in subparagraph (10), for “hearing” substitute “hearing”.
- (32) In paragraph 83 (*CYP A 1966*) —
- (a) omit subparagraph (2)(a) and (3);
 - (b) in subparagraphs (3) and (4), in the inserted text, in each place where it occurs for “or” substitute “and”.
- (33) In paragraph 84 (*Consumer Protection (Trade Descriptions) Act 1970*), for “substitute —” to the end of the substituted text substitute “substitute shall be liable on summary conviction to 2 years custody, a fine or both.”.
- (34) In paragraph 85 (*Unsolicited Goods and Services (Isle of Man) Act 1974*), in subparagraph (a), for the inserted text substitute —
“Maximum penalty (summary) – a fine.”.
- (35) In paragraph 86 (*Estate Agents Act 1975*)
- (a) in subparagraph (2), for the substituted text substitute —
“Maximum penalty (summary) 2 years’ custody and a fine.”;
 - (b) in subparagraph (3), in the substituted subsection (2), for “Maximum penalty” to the end of the substituted text, substitute —
“Maximum penalty (summary) – a fine.”;

- (c) for subparagraph (4), substitute —
- ▮(4) For section 11(4) substitute —
- ▮(4) A person who contravenes this section commits an offence.
- ▮ Maximum penalty (summary)— a fine; ▮. ▮.
- (36) In paragraph 87 (*Price Marketing Act 1976*), in subparagraph (4), for “substitute” to the end of the substituted text substitute ▮ liable, on summary conviction to a fine ▮.
- (37) In paragraph 88 (*Coinage Offences Act 1980*) —
- (a) in subparagraph (2), in the substituted subsection (1)(a) and (b), for “or” substitute ▮ and ▮;
- (b) after subparagraph (3)(d), insert —
- ▮(da) omit “shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for life.”. ▮.
- (c) in subparagraph (3)(e), in the inserted text, for “or” substitute ▮ and ▮;
- (d) in subparagraph (4), in the inserted section 3(1)(a) and (b) and 3(2)(a) and (b), for “or” substitute ▮ and ▮;
- (e) in subparagraph (5), for the substituted text in subparagraph (5)(b) substitute —
- ▮ Maximum penalty (summary) 12 months’ custody and a fine ▮;
- (f) in subparagraph (6)(a)(ii), in the substituted text, for “or” substitute ▮ and ▮;
- (g) in subparagraph (7)(a)(ii), in the substituted text, for “or” substitute ▮ and ▮;
- (h) in subparagraph (8)(c), in the substituted text, for “or” substitute ▮ and ▮;
- (i) in subparagraph (9)(d), in the substituted text, for “or” substitute ▮ and ▮;
- (j) in subparagraph (10)(a)(iv) and (10)(b)(v), in the substituted text, for “or” substitute ▮ and ▮;
- (k) in subparagraph (14), after subparagraph (14)(a), insert —
- ▮(aa) in paragraph (b), for “Her Majesty’s” wherever it occurs substitute ▮ His Majesty’s ▮.
- (38) In paragraph 89 (*Criminal Damage Act 1981*), in subparagraph (3), in the inserted subsection (2), for “or” substitute ▮ and ▮.
- (39) In paragraph 90 (*Criminal Law Act 1981*) —
- (a) in subparagraph (2)(a) and (3), in the inserted text, for “or” substitute ▮ and ▮.
- (b) after subsection (3), insert —

- (4) Section 20 is repealed.
- (5) In section 31 (saving), for “Her Majesty’s” substitute **His Majesty’s**.
- (6) In schedule 6 (compensation orders), in subparagraph (1), for “in addition to dealing with him in any other way” substitute **whether or not in addition to dealing with him in any other way**.
- (40) In paragraph 91 (*Theft Act 1981*), in the inserted section 29A, for “or” substitute **and**.
- (41) In paragraph 92 (*Non-Resident Traders Act 1983*), in subparagraph (7)(b)(iii), in the substituted text, for “Maximum penalty” to the end, substitute —
- Maximum penalty (summary)—a fine;**
- (42) In paragraph 93 (*Weights and Measures Act 1989*), for “substitute” to the end of the substituted text substitute **substitute shall be liable, on summary conviction to 2 years’ custody and a fine.**
- (43) In paragraph 94 (*Consumer Protection Act 1991*) —
- (a) in subparagraph (2)(a), for the substituted text, substitute —
- Maximum penalty (summary)—a fine;**
- (b) in subparagraph (3), in the substituted section 46A, for “Maximum penalty” to the end of the substituted text substitute —
- Maximum penalty (summary)—2 years’ custody and a fine;**
- (c) in subparagraph (4)(a), for the inserted text substitute —
- Maximum penalty (summary) 2 years’ custody and a fine;**
- (44) For paragraph 95 (*High Court Act 1991*) substitute —

“95 High Court Act 1991

- (1) The *High Court Act 1991* is amended as follows –
- (2) In section 3A, (First Deemster, Second Deemster and Judge of Appeal), in subsections (1) and (2), for “Her Majesty” substitute **“His Majesty”**.
- (3) In section 16A (small claims adjudication – representation), in subsection (2), for “who is an officer” substitute **“who is a director, officer, employee or”**.
- (4) In section 18 (civil and criminal jurisdiction of Appeal Division), in subsection (6), for “Her Majesty” substitute **“His Majesty”**.
- (5) In section 24 (Appeals to Her Majesty in Council), in the heading and in subsection (1), for “Her Majesty” substitute **“His Majesty”**.

(6) In section 25 (power to make rules of court) —

(a) at the end of subsection (1), insert —

“Tynwald procedure – laying only.”;

(b) for subsection (4), substitute —

“(4) Until the first rules of court are made under this section to regulate the procedure of Courts of General Gaol Delivery or the procedure in any legal proceedings in relation to a matter, the procedure shall be such as the Deemster shall determine in relation to the matter before him or her.”.

(7) After section 25 insert —

25A Electronic communications in proceedings – rules of court

(1) Rules under section 25 may make provision —

(a) authorising or requiring the use of electronic communications for the purposes of giving specified information in the course of, or otherwise in connection with, proceedings;

(b) specifying technical standards to be met in relation to the method and manner of giving such information;

(c) specifying the effect of giving (or not giving) information in accordance with standards under paragraph (b).

(2) Rules may also make provision as to how a requirement for a signature in or in connection with the giving of such information is to be met.

(3) Subsections (5) and (6) of section 4 of the *Electronic Transactions Act 2000* (which give an extended meaning to the expression “give information”) apply for the purpose of this section as they apply for the purposes of that section.”.

(8) In section 26 (Provisions supplementary to ss 34 and 35), in subsection (5), for “Her Majesty” substitute “His Majesty”.

(9) Section 27A(3) (temporary effect of practice directions) is repealed.

(10) After section 33A insert —

33B Attendance of witnesses

[P1980/43/97]

(1) Where a judge of the High Court is satisfied —

(a) that any person is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in any proceedings in the High Court; and

- (b) that the person will not voluntarily attend as a witness or produce the document or thing,

the judge of the High Court shall give a direction to that person requiring that person to attend before the court at the time and place appointed in the direction to give evidence or to produce the document or thing.

- (2) If a judge of the High Court is satisfied by evidence on oath of the matters mentioned in subsection (1), and also that it is probable that a direction under that subsection would not procure the attendance of the person in question, the justice may instead of issuing a direction issue a warrant to arrest that person and bring him before such a court at a time or place specified in the warrant.

- (3) On the failure of any person to attend before the High Court in answer to a direction under this section, if —

- (a) the court is satisfied by evidence on oath that the person is likely to be able to give material evidence or produce any document or thing likely to be material evidence in the proceedings; and
- (b) it is proved on oath, or in such other manner as may be prescribed, that the person has been duly served with the direction, and that a reasonable sum has been paid or tendered to the person for costs and expenses; and
- (c) it appears to the court that there is no just excuse for the failure,

the court may issue a warrant to arrest the person and bring him before the court at a time and place specified in the warrant.

- (4) Without prejudice to subsection (3), where —

- (a) a person is summoned under this section to attend before the High Court, and
- (b) a reasonable sum is paid or tendered to him for costs and expenses, and
- (c) the person fails without reasonable excuse to attend in answer to the direction shall be guilty of an offence and liable on summary conviction to a fine.

- (5) If any person attending or brought before the High Court refuses without just excuse to be sworn or give evidence, or to produce any document or thing, the court may commit the person to custody until the expiration of such period not exceeding 7 days as may be specified in the warrant or until the person sooner gives evidence or produces the document or thing.

- (6) The powers conferred by subsection (5) may be exercised from time to time after adjournment of the proceedings, but so that the total period of imprisonment shall not exceed 28 days.
- (7) The High Court may bind any witness by recognizance to appear at the trial of the accused and give evidence against the accused and if a witness refuses to be bound the court may by warrant commit the witness to prison until the trial unless in the meantime the witness enters into a recognizance.
- (8) Where a witness has been committed under subsection (7) and afterwards the person accused is discharged, the court shall order the witness also to be discharged. **22**.
- (11) In section 57 (fees to be taken in the High Court) –
- (a) number the existing text as subsection (1);
 - (b) after subsection (1) insert –
- 23** (2) An order under this section may, in particular, contain provision as to –
- (a) scales or rates of fees;
 - (b) exemptions from or reductions in fees;
 - (c) remission of fees in whole or in part.
- (3) When including any provision in an order under this section, the Treasury must have regard to the principle that access to the courts must not be denied.
- (4) The Treasury may not under this section prescribe fees which it or another authority has power to prescribe apart from this section. **22**.
- (12) In schedule 1 (admiralty), in paragraph 20, for “Her Majesty” substitute **24** His Majesty **22**.
- (13) In schedule 4 (transitional provisions and savings), in paragraph 20, after “Her Majesty” substitute **24** His Majesty **22**, **22**.
- (45) In paragraph 96 (*Moneylenders Act 1991*) –
- (a) in subparagraph (2)(a), for the substituted text substitute –
- 24** Maximum penalty (summary) – a fine. **22**;
- (b) in subparagraph (3)(a), for the substituted text substitute –
- 24** Maximum penalty (summary) 2 years’ custody and a fine. **22**.
- (46) In paragraph 97 (*Post Office Act 1993*) –
- (a) in subparagraph (2), in the inserted text, for “or” substitute **24** and **22**;
 - (b) in subparagraph (4)(b), in the inserted text, for “or” substitute **24** and **22**;
 - (c) in subparagraph (5)(b), for the substituted text substitute –

- (47) In paragraph 98 (*Custody Act 1995*) —
- (a) in subparagraph (2)(a), for the substituted text substitute —
 - Maximum penalty (summary) 2 years' custody and a fine.
 - (b) in subparagraph (2)(b), for the inserted text, substitute —
 - Maximum penalty (summary) 2 years' custody and a fine.
 - (c) after subparagraph (2), insert —
 - (2A) For section 19A, substitute —

19A Testing prisoners for alcohol, drugs, psychoactive substances and other substances

- (1) An officer of an institution may require any person detained in the institution to provide one or more samples for the purpose of ascertaining whether the detainee has in their body any —
 - (a) alcohol;
 - (b) tobacco;
 - (c) controlled drug,
 - (d) pharmacy medicine,
 - (e) prescription only medicine,
 - (f) psychoactive substance, or
 - (g) specified substance.
- (2) The power conferred by subsection (1) includes power to require a detainee to provide a non-intimate sample of any description.
- (3) The power conferred by subsection (1) must be exercised in accordance with custody rules.
- (4) The Department may use any detainees' samples to test, on an anonymised basis, for the prevalence of the following substances in an institution —
 - (a) alcohol

- (b) tobacco
- (c) controlled drugs,
- (d) medicinal products,
- (e) psychoactive substances, or
- (f) specified substances.

(5) In this section—

“controlled drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1976;

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

“medicinal product” has the meaning given in the Medicines Act 2003;

“pharmacy medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012 (of Parliament);

“prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012 (of Parliament);

“prisoners' samples” means any sample—

- (a) provided under subsection (1) or (2), or
- (b) provided by prisoners voluntarily;

“psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016 (of Parliament);

“specified substance” means any substance or product specified in prison rules for the purposes of this section.

(6) The Department may, by regulations, make such amendments to this section as the Department considers appropriate in consequence of the amendment or revocation of the any Manx enactment (whenever made) which relates to human medicines.

(2B) In section 21 (temporary release), after subsection (1), insert —

2A(1A) Without prejudice to the generality subsection (1), custody rules may provide that a detainee who is temporarily released may be subject to a condition for securing the electronic monitoring of the released person's whereabouts during such periods as may be specified in the conditions; requiring the released person to remain, for periods specified in the conditions, at a place so specified. **2B**;

(2C) in section 22 (temporary release on grounds of ill health), after subsection (1), insert —

2A(1A) Without prejudice to the generality of subsection (1), the Department may authorise the electronic monitoring of the released person's whereabouts during such periods as may be

- specified in conditions, requiring the released person to remain, for periods specified in the conditions, at a place so specified. **22**;
- (2D) in section 23A (release in case of overcrowding), in subsection (3), after subsection (1), insert —
- 22**(1A) Without prejudice to the generality of subsection (1), the Department may include a direction for securing the electronic monitoring of the released person's whereabouts during such periods as may be specified in the conditions; requiring the released person to remain, for periods specified in the conditions, at a place so specified. **22**. **22**;
- (d) in subparagraph (3)(a)(i), for the inserted text substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**;
- (e) in subparagraph (3)(b), for the substituted text, substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**;
- (f) after subparagraph (3) insert —
- 22**(4) In Schedule 2 —
- (a) for "Her Majesty's" wherever it appears, substitute **22** His Majesty's **22**;
- (b) in paragraph 10A(3), for "proposed" substitute **22** proposes **22**. **22**.
- (48) In paragraph 99 (*Fair Trading Act 1996*) —
- (a) in subparagraph (2), for "conviction" to the end substitute **22** conviction to 2 years' custody and a fine. **22**;
- (b) in subparagraph (3), for the substituted text substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**.
- (c) in subparagraph (4), for the substituted text substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**.
- (d) in subparagraph (5), for "Maximum penalty" to the end substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**.
- (49) In paragraph 100 (*Timeshare Act 1996*) —
- (a) in subparagraph (2), for the substituted text substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**;
- (b) in subparagraph (3), for the substituted text substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**;
- (c) in subparagraph (4), for the substituted text substitute —
- 22** Maximum penalty (summary) 2 years' custody and a fine. **22**;
- (d) in subparagraph (5), for the substituted text substitute —

- Maximum penalty (summary) 2 years' custody and a fine. 22.
- (50) In paragraph 101 (*Children and Young Persons Act 2001*), for subparagraph (2) substitute —
- 22 (2) in section 80 (identification of child or young person in media), after subsection (4) insert —
- 22 (4A) In this section references to publication of a report of matters falling within subsection (1) —
- (a) include references to inclusion of those matters in any speech, writing, relevant programme or other communication in whatever form which is addressed to the public at large or any section of the public, and for this purpose the following are to be treated as so addressed —
- (i) every relevant programme; and
- (ii) every electronic communication, including any comments made by a member of the public, on a website or other social medium and which is capable of being read by a member of the public without being specifically addressed to him or her; but
- (b) do not include references to inclusion of those matters in a document prepared for use in particular legal proceedings. 22.
- (3) Section 81(3) is repealed. 22.
- (51) In paragraph 105 (*Endangered Species Act 2010*) —
- (a) in subparagraph (2), for the substituted text substitute —
- 22 Maximum penalty (summary) 2 years' custody and a fine. 22;
- (b) in subparagraph (3)(a), for the substituted text substitute —
- 22 Maximum penalty for a Class A specimen — (summary) — 2 years' custody and a fine;
- Maximum penalty for a Class B specimen — (summary) 6 months' custody and a level 5 fine. 22;
- (c) in subparagraph (4), for the substituted text substitute —
- 22 Maximum penalty (summary) 2 years' custody and a fine. 22;
- (d) in subparagraph (5)(a), for the substituted text substitute —
- 22 Maximum penalty (summary) 2 years' custody and a fine.
- (52) In paragraph 106 (*Interpretation Act 2015*) —
- (a) for subparagraphs (2) and (3) substitute —
- 22 (2) In section 55, after subsection (2), insert —
- 22 (2A) If a Manx enactment (whenever passed or made) —

- (a) provides that a person is liable on summary conviction to a fine of a specified level (for example “a level 5 fine”); or
- (b) confers power by statutory document to make a person liable on summary conviction to a fine or a maximum fine by reference to a specified level (for example “level 5”);

that enactment is to be construed as referring to the corresponding level shown in the table in subsection (1) as it has effect from time to time. **22**, **22**.

- (3) For section 57 substitute —

57 Meaning of additional words “(on information)” and “(summary)”

- (1) This section applies if —

- (a) section 56 applies for a particular provision; and
- (b) the words “(on information)” or “(summary)” appear after the words “maximum penalty” (whether or not immediately after) the stated penalty for the provision.

Examples for paragraph (b):

1. “Maximum penalty (on information) —7 years’ custody or a fine.”
2. “Maximum penalty (summary) —a fine of level 5.

- (2) The words “(on information)” mean the penalty refers to a conviction on information for the offence.
- (3) The word “(summary)” means the penalty which may be imposed by a court of summary jurisdiction (whether or not the High Bailiff is a member of the court) following a summary conviction for the offence.
- (4) If the word “(summary)”, but not “(on information)”, appears in the provision, a proceeding for an offence against the provision is a summary offence only.
- (5) An offence that is expressed to be “triable on information” includes any offence which by virtue of the extended jurisdiction of courts of summary jurisdiction, is capable of being tried in a court of summary jurisdiction. (see section 1A(1) of the *Summary Jurisdiction Act 1989*). **22**.
- (b) in the Schedule (defined terms), in paragraph 1, after the definition of “Douglas Corporation”, insert —

“either way offence” means an offence that is triable on information or by a court of summary jurisdiction; **22**; **22**.

52 Schedule 2 amended

In Schedule 2 (*Proceeds of Crime Act 2008* amended in consequence of the extension of the High Bailiff's sentencing powers), after paragraph 35, insert –

36 Amendments in consequence of the extended jurisdiction of the court of summary jurisdiction – section 224 amended

The Department may by Regulations amend this schedule and any other Manx enactment to make such supplemental, incidental consequential, transitional and saving provision in furtherance of the extension of the jurisdiction of the court of summary jurisdiction.

Tynwald procedure – approval required. 22.

53 Schedule 4 amended

In Schedule 4 (Schedule to be inserted as Schedule 1A to the *Rehabilitation of Offenders Act 2001*), in inserted Schedule 1A –

- (a) in paragraph 2(1)(d), omit “judicial review”;
- (b) in paragraph 3(1), for “an offence is” substitute 64 an offence 22;
- (c) in paragraph 6, for “Section 5(2) and (3) apply for the purposes of this Schedule as follow” substitute 64 Section 5(2), (3) and (4) apply for the purposes of this Schedule as follows 22;
- (d) after paragraph 6, insert –

67 Application of section 10 for the purposes of Schedule

Section 10(1) applies as if a reference to sections 3(1), 4 and 5(1) included a reference to paragraph 3(1). 22.

PART 3 – MISCELLANEOUS AMENDMENTS

54 Firearms Act 1947 amended

In the *Firearms Act 1947* –

- (a) in section 2(7)(a), after “Chief Officer” insert 64 of police 22;
- (c) after section 30, insert –

30A Guidance as to exercise of police functions

- (1) The Department may issue guidance to the Chief Constable as to the exercise of their functions under, or in connection with, this Act.
- (2) The Department may revise any guidance issued under this section.

- (3) The Department must arrange for any guidance issued under this section, and any revision of it, to be published.
- (4) The Chief Constable must have regard to any guidance issued under this section.
- (5) Before issuing guidance under this section, the Department must consult the Chief Constable.
- (6) The High Bailiff hearing an appeal under this Act must have regard to any guidance issued under section 30A that is relevant to the appeal. ²².

55 Criminal Justice Act 1963 amended

In the *Criminal Justice Act 1963* –

- (a) section 30 (Probation Liaison Committee) and section 31 (probation rules) are repealed;
- (b) in section 35 (interpretation), in the definition of “offence the sentence for which is fixed by law”, for “Her Majesty’s” substitute ²³His Majesty’s ²².

56 Jury Act 1980 amended

In the *Jury Act 1980* is amended as follows.

- (a) in section 1(1) and Schedule 1, for “Her Majesty’s” wherever it occurs substitute ²³His Majesty’s ²².
- (b) in section 9 (inspection of lists of jurors) –
 - (i) in subsections (1)(a) for “coroner” substitute ²³Coroner ²²;
 - (ii) in subsections (1)(c), for “coroners” substitute ²³Coroners ²², ²²;
 - (iii) after subsection (1), insert –
 - ²³(1A) Regulations under this section may prescribe fees in respect of the supply of copies of the lists and disclosure or use of information contained in the lists of jurors. ²²;
- (c) in section 24A (majority verdicts) –
 - (i) for subsection (1)(a) and (b) substitute –
 - ²³(a) in a case where the jury comprises 11 or 12 jurors, at least 10 of them agree the verdict;
 - (b) in a case where the jury comprises 10 jurors, at least 9 of them agree the verdict;
 - (c) in a case where the jury comprises 9 jurors, all 9 of them agree the verdict;
 - (d) in a case where the jury comprises 6 or 7 jurors, at least 5 of them agree the verdict. ²²;

- (ii) in subsection (2) —
 - (A) after “unless” omit “it appears to the court that,”;
 - (B) in paragraph (a), before “the jury” insert “it appears to the court that,”;
- (d) for section 26 (panel of jurors for criminal trials) substitute —

26 Panel of jurors for criminal trials

- (1) Whenever a jury is to be taken from a panel of jurors comprising those summoned to attend a court for the trial of criminal issues —
 - (a) the names on the panel must be numbered with consecutive numbers, beginning with the number one; and
 - (b) each of the numbers respectively must be written or printed on a disc (all of the discs being as nearly as may be of equal size).
- (2) The Coroner attending the court, or some other person appointed by the Deemster, must put all the discs into a box provided for that purpose.
- (3) On a jury being required for the trial of any issue at a court, the Coroner or other person appointed must, in open court, draw so many of the discs, one after another, as may be necessary, and the numbers so drawn shall represent the persons on the panel having the like numbers.
- (4) If any of the persons who have been summonsed does not appear, the Coroner or other person appointed must draw such further number of persons as may be necessary, until the full number of jurors required has been drawn and those jurors are present.
- (5) If any of the persons who have been summonsed is challenged then, if required by the Deemster to do so, the Coroner or other person appointed must draw such further number of persons as may be necessary, until the full number of jurors required has been drawn and those jurors are present.
- (6) After all just causes of challenge have been allowed —
 - (a) the persons whose names have been drawn who are present and have not been challenged shall be sworn and be the jury to try the issue;
 - (b) the discs bearing the numbers of the persons so drawn and sworn shall be kept apart by themselves until the verdict of such jury shall have been received, or until such jury shall, by consent of the parties, or by leave or order of the Deemster, have been discharged.

- (7) Subject to subsection (10), the disc of any juror who is discharged shall not be returned to the box.
- (8) The disc of any person who had not been present at the time the person's disc was drawn, but who has subsequently made himself or herself present, shall be returned to the box to be kept with the other discs remaining for so long as any issue remains to be tried.
- (9) If in any trial a juror is discharged before any evidence is heard, the Deemster —
- (a) subject to section 28, may proceed with the trial without that juror;
 - (b) may order the Coroner or other person appointed to draw a disc in accordance with subsection (3) in order to return the number of jurors to the full jury panel required for the trial; or
 - (c) may discharge all the jurors selected to hear that trial.
- (10) The Deemster may order that the disc for a juror who has been discharged in relation to a particular trial in the circumstances described in subsection 9(c) be returned to the box and such disc may be re-drawn and that juror re-selected for hearing the trial of the same matter for which the jury had been discharged under subsection (9)(c). ~~22~~;
- (e) in section 28 (death or illness, etc of member of jury in a criminal trial) —
- (a) omit “the jury shall nevertheless, subject to the consent being given in writing by or on behalf of both the Attorney General and the accused and”;
 - (b) after “of seven persons)” insert ~~23~~ the jury shall ~~22~~;
- (f) In section 31 (offences), after subsection (5), insert —
- ~~23~~(6) If any person publishes or otherwise discloses the identity or address of a juror before the conclusion of the trial or the discharge of the jury the person shall be in contempt of court. ~~22~~, ~~22~~.
- (g) in section 32 (remuneration of jurors) —
- (i) for subsection (1), substitute —
- ~~23~~(1) A juror shall be entitled to such remuneration as may be prescribed by Order by the Department of Home Affairs. ~~22~~;
- (ii) Omit subsection (2A);
 - (iii) in subsection (2B) and (2C), for “Treasury” substitute ~~23~~ Department of Home Affairs ~~22~~;
- (h) omit section 33 (orders by the Treasury).

57 Road Traffic Act 1985 amended

In the *Road Traffic Act 1985*, in section 59, for “section 16 of the Summary Jurisdiction Act 1956” substitute section 91 of the *Summary Jurisdiction Act 1989* **22**.

58 Legal Practitioners Act 1986

In the *Legal Practitioners Act 1986* –

- (a) after section 1, insert –

1A Restriction on the provision of immigration services

- (1) No person may provide immigration advice or immigration services unless –

- (a) the person is registered in accordance with section 2; or
(b) the person is qualified to act as an advocate in accordance with section 7 of the 1976 Act.

- (2) Nothing in subsection (1) shall affect any person who is not qualified under subsection (1) if that person provides immigration advice or immigration services in the person’s capacity as –

- (a) a public sector employee for the purposes of the *Public Services Commission Act 2015*;
(b) His Majesty’s Attorney General or His Majesty’s Solicitor General; or
(c) any other officer of the Crown.

- (3) In this Act –

“immigration advice” means advice which –

- (a) relates to a particular individual;
(b) is given in connection with one or more relevant matters;
(c) is given by a person who knows that he or she is giving it in relation to a particular individual and in connection with one or more relevant matters; and
(d) is not given in connection with representing an individual before a court in criminal proceedings or matters ancillary to criminal proceedings;

“immigration services” means the making of representations on behalf of a particular individual in connection with one or more relevant matters –

- (a) in civil proceedings before a court or tribunal or adjudicator in the United Kingdom, Isle of Man or Channel Islands;
(b) in correspondence with a Minister of the Crown or government department of the United Kingdom Government, or

- (c) in correspondence with the Minister of the Treasury or a Department of the Isle of Man Government;

“relevant matters” means any of the following —

- (a) a claim for asylum;
- (b) an application for an Electronic Travel Authorisation (within the meaning of section 11C (electronic travel authorisations) of the Immigration Act 1971 (as it applies in the United Kingdom or the Isle of Man);
- (c) an application for, or the variation of, entry clearance or leave to enter or remain in the Isle of Man or the United Kingdom;
- (d) an application for an immigration employment document;
- (e) unlawful entry into the Isle of Man or the United Kingdom;
- (f) nationality and citizenship under the law of the Isle of Man or the United Kingdom;
- (g) removal or deportation from the Isle of Man or the United Kingdom;
- (h) in the Isle of Man, an application for bail under the Immigration Acts;
- (i) in the United Kingdom, an application for bail under the Immigration Acts (of Parliament) or under the Special Immigration Appeals Commission Act 1997 (of Parliament);
- (j) an appeal against, or an application for judicial review or an action in dolence in relation to, any decision taken in connection with a matter referred to in paragraphs (a) to (h).

- (3) A person who provides immigration advice or immigration services in contravention of section 1A is guilty of an offence and liable on summary conviction, to a maximum term of 2 years' custody and a fine.

- (4) In subsection (2)(h), “Immigration Acts” is to be construed in accordance with section 61 (citation) of the UK Borders Act 2007, as it applies to the Isle of Man.

1B Prohibition on advertising of immigration service

- (1) A person must not offer to provide immigration advice or an immigration service if the provision by the person of the advice or service advertised would constitute an offence under section 1A.
- (2) For the purpose of subsection (1) a person offers to provide advice or services if the person —
 - (a) makes an offer to a particular person or class of person to provide immigration advice or an immigration service;

- (b) makes arrangements for an advertisement in which the person offers to provide such advice or such a service, or
 - (c) makes arrangements for an advertisement in which the person is described or presented as competent to provide such advice or such a service.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale. ²²;
- (b) in section 5 (regulations), after subsection (1), insert –
- ²³(1A) The Department of Enterprise, with the concurrence of the Treasury, may amend a definition in section 1A(3). ²²;
- (c) in section 10 (interpretation) in the definition of “legal practitioner”, after “legal advice” insert ²⁴, immigration advice or immigration services ²².

59 Coroners of Inquests Act 1987 amended

In the *Coroners of Inquests Act 1987* –

- ²⁵(a) in section (2), for subsection (4)(d) and the text appearing immediately after paragraph (d), substitute –
- ²⁶(d) a death occurs, –
- (i) in an institution within the meaning of the *Custody Act 1995*;
 - (ii) in police custody;
 - (iii) as a result of an injury caused by a constable in the execution or purported execution of the constable’s duty; or
 - (iv) otherwise in state detention,
- the Chief Constable, or in a case falling within subparagraph (i) the governor of the institution, must, immediately on becoming aware of it, give notice of the death to the coroner of inquests, together with such information as the Chief Constable or governor is able to obtain about the finding of the body or the death. ²².

60 Criminal Justice Act 1991 amended

In the *Criminal Justice Act 1991* –

- (a) section 7 (evidence from computer records) and Schedule 1 (provisions supplementary to section 7) are repealed;
- (b) in section 26A(10) (transfer of prisoner in the Island to assist investigation overseas), in the definitions of “British aircraft”, “British hovercraft”, “British ship” and “Manx

ship”, for “Her Majesty’s” wherever it occurs substitute
 “His Majesty’s”.

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

In the *Shot Guns, Air Weapons and Cross-bows Act 1994*, after section 11, insert –

11A Guidance as to exercise of police functions

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

62 Protection from Harassment Act 2000 amended

In the *Protection from Harassment Act 2000* –

- (a) after section 4A, insert –

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

- A person is guilty of an offence in the Island if –
- (a) the person's course of conduct consists of or includes conduct outside the Island;
 - (b) the course of conduct would constitute an offence under section 4 or 4A if it occurred in the Island; and
 - (c) the person is habitually resident in the Island.
- (b) in section 5A (restraining orders on acquittal), in subsection (1), omit “further”;

63 Human Rights Act 2001 amended

In the *Human Rights Act 2001* –

- (a) in section 19 (interpretation, etc.) in the definition of “Act), in paragraph (d), for “Her Majesty’s” wherever it occurs substitute **His Majesty’s**;
- (b) in section 9A(4), after paragraph (b), insert —
 - (ba) His Majesty's High Court of Justice in England;**

64 Fireworks Act 2004 amended

In the *Fireworks Act 2004* –

- (a) in section 4 (restrictions on firework displays) –
 - (i) for subsection (1)(b) substitute –
 - (b) published the notice given under paragraph (a) in a manner that the Department determines is sufficient to bring it to the attention of persons likely to be affected by the proposed letting off of the firework.**
 - (ii) for paragraphs (2)(a), (b) and (c) substitute –
 - (a) given in such form and contain such information as the Department may require;**
 - (b) given not later than 10 days before the firework is to be let off.**
 - (iii) in subsection (3) omit “by post” and “in the prescribed form”;**
 - (iv) for subsections (8) and (9), substitute –**
 - (8) The Department shall publish on its website or in such other media as it may determine –**
 - (a) the information that must be contained in a notice given under subsection (1);**
 - (b) the manner in which the giving of a notice under that subsection may be satisfied.**
 - (b) in section 5(1) (harassment etc. by letting off of fireworks), omit “in a public place”.

65 Criminal Procedure and Investigations Act 2016 amended

In the *Criminal Procedure and Investigations Act 2016* –

- (a) in section 4 (application), for subsection (3)(c) substitute –
 - (c) an accused is sent for trial under section 18C(1) or 18D(1) of that Act in relation to an offence triable on information only.**
- (b) in section 15 (time limits), in subsection (7), in the modified section 5(8)(d), for “committed for trial under section 6” substitute **is sent for trial under section 18C(1) or 18D(1)**;

- (c) in section 18 (rules of court) —
 - (i) in subsection (1), for “Clerk of the Rolls” substitute **Deemsters**;
 - (ii) after “Summary Jurisdiction Act 1989”, insert **section 57 of the Criminal Jurisdiction Act 1993 or section 25 of the High Court Act 1991;**
 - (iii) in subsection (3), after “court of summary jurisdiction” insert **or a court of General Gaol Delivery**.

66 Criminal Evidence Act 2019 amended

In the *Criminal Evidence Act 2019* —

- (a) after section 6 (non-defendant’s bad character) insert —

6A Evidence in criminal proceedings – convictions

P1984/60/74

- (1) In any criminal proceedings the fact that a person other than the accused has been convicted of an offence by or before any court in any of the countries or territories specified in subsection (5) shall be admissible in evidence for the purpose of proving, where to do so is relevant to any issue in those proceedings, that person committed that offence, whether or not any other evidence of his having committed that offence is given.
- (2) In any criminal proceedings in which by virtue of this section a person other than the accused is proved to have been convicted of an offence by or before any court in any of the countries or territories specified in subsection (5), the accused shall be taken to have committed that offence unless the contrary is proved.
- (3) In any criminal proceedings where evidence is admissible of the fact that the accused has committed an offence, in so far as that evidence is relevant to any matter in issue in the proceedings for a reason other than a tendency to show in the accused a disposition to commit the kind of offence with which the accused is charged, if the accused is proved to have been convicted of the offence by or before any court in any of the countries or territories specified in subsection (5) the accused shall be taken to have committed that offence unless the contrary is proved.
- (4) Nothing in this section shall prejudice —
 - (a) the admissibility in evidence of any conviction which would be admissible apart from this section; or
 - (b) the operation of any enactment whereby a conviction or a finding of fact in any proceedings is for the purposes of any other proceedings made conclusive evidence of any fact.

- (5) The countries and territories referred to in subsections (1), (2) and (3) are —
 - (a) the British Islands;
 - (b) a member State of the EU;
 - (c) a country or territory to which the Warsaw Convention extends; and
 - (d) a British overseas territory.
- (6) The Department of Home Affairs may by order amend subsection (5) to add or vary the countries and territories to which subsections (1), (2) and (3) apply.
- (7) An order made under subsection (6) must not come into operation unless it is approved by Tynwald.
- (8) In this section, “Warsaw Convention” means the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism signed in Warsaw on 16 May 2005 (as that Convention may be amended, replaced or superseded).
- (9) In this section, “British overseas territory” has the same meaning as in section 50(1) of the *British Nationality Act 1981* (of Parliament).

6B Provisions supplementary to section 6A

P1984/60/75

- (1) Where evidence that a person has been convicted of an offence is admissible by virtue of section 6A, then without prejudice to the reception of any other admissible evidence for the purpose of identifying the facts on which the conviction was based —
 - (a) the contents of any document which is admissible as evidence of the conviction; and
 - (b) the contents of the complaint, information or charge-sheet on which the person in question was convicted,
 shall be admissible in evidence for that purpose.
- (2) Where in any proceedings the contents of any document are admissible in evidence by virtue of subsection (1), a copy of that document, or of the material part of it, purporting to be certified or otherwise authenticated by or on behalf of the court or authority having custody of that document shall be admissible in evidence and shall be taken to be a true copy of that document or part unless the contrary is shown.
- (3) Nothing in section 9 of the *Criminal Justice Act 1963* (under which a conviction leading to probation or discharge is to be disregarded

- except as mentioned in that section) shall affect the operation of section 6A.
- (4) Nothing in section 6A shall be construed as rendering admissible in any proceedings evidence of any conviction other than a subsisting one.
 - (5) Nothing in section 6A shall prejudice any power of a court to exclude evidence (whether by preventing questions from being put or otherwise) at its discretion. **22**.
 - (b) in section 9(11), for “Her Majesty’s” wherever it occurs substitute **23**His Majesty’s **22**;
 - (c) section 36 (evidence by video recording) and section 37 (video evidence: further provisions) are repealed.

67 Domestic Abuse Act 2020 amended

- (1) The *Domestic Abuse Act 2020* is amended as follows.
- (2) In section 3 (interpretation) –
 - (a) in subsection (1), after the definition of “relative”, insert –
 - 23** “rules of court” means rules made under section 91 of the *Summary Jurisdiction Act 1989*, section 25 of the *High Court Act 1991* or section 57 of the *Criminal Jurisdiction Act 1993*; **22**;
 - (b) after subsection (3), insert –
 - 23**(4) The Department may by Regulations amend this section.
- (3) In section 17 (domestic abuse protection orders otherwise than on application), in subsection (5), after “the person” insert **23** and any order so made shall be treated as having been made by or before the court in which the person was convicted **22**.
- (4) In section 27 (arrest for breach of order), in subsection (2) –
 - (a) in the definition of “relevant court”, after paragraph (a) insert –
 - 23**(aa) the Staff of Government Division, **22**;
 - (b) in the definition of “the relevant judge”, after paragraph (a), insert
 - 23**(aa) where the order was made by the Staff of Government Division, a judge of that court; **22**.
- (5) In section 28 (notification requirements) –
 - (a) in subsection (3)(b), for the full stop substitute a semi-colon, and after subsection (3)(b), insert –
 - 23**(c) the person’s date of birth. **22**;
 - (b) in subsection (8), for “this subsection” substitute **23**subsection (7) **22**.

- (6) After section 34 (appeals) insert —

34A Nature of certain proceedings under this Part

- (1) Proceedings before a court arising by virtue of section 17(3), (4) or (5), and proceedings before a court arising by virtue of section 32(2)(b) in any case within section 17(3), (4) or (5), are civil proceedings.
- (2) The court is not restricted in the proceedings to considering evidence that would have been admissible in the criminal proceedings in which the person concerned was convicted or (as the case may be) acquitted.
- (3) The court may adjourn any proceedings arising by virtue of section 17(3), (4) or (5), or any proceedings arising by virtue of section 32(2)(b) in any case within section 17(3), (4) or (5), even after sentencing or acquitting the person concerned or allowing the person's appeal.
- (4) A domestic abuse protection order may be made or varied in addition to an order discharging the person conditionally or absolutely. ²².

- (7) In section 42 (*Summary Jurisdiction Act 1989* amended) —

- (a) after subsection (2), insert —

²³(2A) In section 48 (meaning of “domestic proceedings”) —

- (a) omit subsection (1)(f);
- (b) after subsection (1), insert —

²³(1A) “domestic proceedings also includes —

- (a) any proceedings in respect of a domestic abuse protection order under the *Domestic Abuse Act 2020*;
- (b) any “family proceedings” within the meaning of the *Domestic Abuse Act 2020*. ²²;

- (c) in inserted section 53C(4), for “in rules of court” substitute ²³in regulations made by the Department.

Tynwald procedure — approval required. ²².

- (8) In section 43 (*Matrimonial Proceedings Act 2003* amended) —

- (a) in subsection (4), in the inserted section 114B —

- (i) in the definition of “caution”, after paragraph (a), insert —

²⁴(aa) an unconditional caution given under section 55 of the Justice Reform Act 2021;

(ab) a conditional caution given under section 57 of the Justice Reform Act 2021; ²²;

- (b) in subsection (5), after the definition of “conviction” insert –
 - “family proceedings” has the meaning given in the Domestic Abuse Act 2020.
- (c) after subsection (7) insert –
 - (8) The Department may by regulations amend this subsection.
 - Tynwald procedure – approval required.
- (d) in inserted section 114C, in subsection (4), for “in rules of court” substitute “in regulations made by the Department.
 - Tynwald procedure – approval required.

68 Liquor Licensing and Public Entertainments Act 2021 amended

- (1) The *Liquor Licensing and Public Entertainments Act 2021* is amended as follows.
- (2) In section 10 (rules of court) –
 - (a) number the existing text as subsection (1);
 - (b) in subsection (1) (as re-numbered), at the end insert –
 - Tynwald procedure – laying only.
 - (c) after subsection (1), insert –
 - (2) Despite section 7(2)(a) and 8(2), rules may make provision for the court or the appeal court to consist of the High Bailiff or the chairman of the appeal court, as the case may be, sitting alone when hearing an application or other matter of a kind specified in the rules.
- (3) In section 15 (regulations: determination of application for licence), after subsection (1), insert –
 - (1A) Regulations may provide that conditions contained in regulations may apply to licences granted before as well as after the regulations are made.
 - (1B) Regulations may –
 - (a) permit a licence condition to require an application to the Licensing Court for such additional approval or authorisation as may be specified in the condition;
 - (b) permit the Licensing Court to issue directions pursuant to a condition.
- (4) In section 16 (regulations: review, suspension, revocation or surrender of licences)-
 - (a) in the heading, after “Regulations:” insert “review,”
 - (b) renumber the text as subsection (1);
 - (c) after subsection (1) (as re-numbered), insert –

- 66**(2) Regulations may –
- (a) permit any person to apply to the court for a review of a licence;
 - (b) specify the fee payable (if any) to accompany the application for a review of a licence;
 - (c) enable the court to review a licence on its own motion;
 - (d) specify the grounds for a review of a licence;
 - (e) specify the process for applying for a review;
 - (f) specify the information that must be supplied with an application for review;
 - (g) specify the court's powers following its review;
 - (h) specify the effect of a determination by the court following a review;
- (3) The powers which may be specified under subsection (2) include the power –
- (a) to issue a written warning to the licensee;
 - (b) to vary the licence;
 - (c) to make an order suspending the licence for such period as the court may determine; or
 - (d) to make an order revoking the licence. **67**.
- (5) In section 20 (notification requirements), after subsection (2), insert –
- 68**(2A) Regulations may specify information which a licensee must notify to the Department, the licensing authority or the court about the licensee or about such other person as may be specified in the regulations as being connected to the licensee. **69**.
- (6) In section 24 (licensee or responsible person to be on licensed premises at all times) –
- (a) after subsection (3), insert –
- 69**(3A) The court may –
- (a) on the application of the Chief Constable or on its own motion, direct the Chief Constable to supply the court with a report as to the management of any premises in respect of which the licensee is a company and
 - (b) on receipt of such report, may direct the licensee to nominate one or more individuals to be approved by the court as responsible persons in addition to or in place of the existing responsible person. **70**;
- (b) in subsection (6), after “(3)” insert **69**(3A) **71**.

- (7) In section 30 (misbehaviour of persons: preventing entry into licensed premises or sale of liquor to certain persons), before subsection (1), insert –
- (A1) A person who is drunk on licensed premises is guilty of an offence.
- Maximum penalty (summary conviction) a fine of level 1 on the standard scale.
- (8) In section 39 (appeals), in subsection (14)(b), after “appeal” insert and the decisions which may be appealed against.
- (9) In section 41 (public drunkenness) –
- (a) before subsection (1) insert –
- (A1) A person who is drunk in a public place is guilty of an offence.
- Maximum penalty (summary conviction) a fine of level 1 on the standard scale;
- (b) in subsection (3)(a), for “subsection (1)(a)” substitute subsection (A1), (1)(a).

69 Sexual Offences and Obscene Publications Act 2021 amended

In the *Sexual Offences and Obscene Publications Act 2021* –

- (a) in section 104 (test of obscenity), in subsection (1), for “such as to tend” to the end substitute such as to tend to deprave and corrupt persons if they read, saw or heard the matter contained or embodied in it;
- (b) in section 144 (power to displace section 140), after subsection (8), insert –
- (9) The Department may by regulations specify other persons who may make an application for a direction under subsection (1) or (2).
- Tynwald procedure: approval required.
- (10) Regulations under subsection (1) may make such other provision as to the Department considers necessary to ensure that the Chief Constable, the prosecution and the defence have been permitted to make representation to the judge before the judge decides whether to give the direction.
- (c) in section 205 (young offenders: application), for “Her Majesty’s” substitute His Majesty’s;
- (c) in section 233 (transitional and savings provisions), after subsection (1), insert –
- (1A) For the avoidance of doubt –
- (a) for the purposes of section 190, a sexual offences prevention order that remains in operation under subsection (1) shall be treated as if

it were a sexual harm prevention order made under section 181 of this Act; and

- (b) for the purposes of section 200, a risk of sexual harm order that remains in operation under subsection (1) shall be treated as if it were a sexual risk order made under section 193 of this Act. **22**.

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