



# Department of Home Affairs

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Consultation letter

23<sup>rd</sup> December 2016

Dear consultee,

**Re: Implementation of the Criminal Procedure and Investigations Act 2016  
Consultation on Secondary legislation**

I attach copies of the following and invite you to consider the draft documents and let me have your views –

*Criminal Procedure and Investigations (Code of Practice for Criminal Investigations) Order 2017;*

*Criminal Procedure and Investigations (Code of Practice for Police Interviews of Witnesses) Order 2017; and*

*Criminal Procedure and Investigations (Time Limits) Regulations 2017.*

The documents are based (as is the Act itself) on UK models. In respect of the code of practice on criminal investigations the earlier code used by the UK<sup>1</sup> has been preferred on the grounds it is a more appropriate fit for the Island. It is certainly less complex than the current code in operation in the UK and, it is suggested, the key to the success of the Act in progressing the aims of the criminal justice strategy is simplicity. The code of practice on police interviews of witnesses follows the UK model.

The draft regulations setting out the time period within which the various obligations in the Act must be fulfilled took into account views expressed during the consultation on the Bill. Nevertheless, if you consider the period of 14 days to be too long, too short, or that there should be different time periods set out for different sections of the Act it would be helpful to know what those time periods should be and how that would increase the likelihood of trials being conducted overall effectively, efficiently and within a reasonable period of time.

The draft regulations may be amended as to form and content following views received during the consultation and further work with the Drafter. In particular: do you think paragraph (2) of regulation 4 is sufficiently clear as to the date and the event that triggers the period within which the prosecution must make initial disclosure of unused material?

Subject to views expressed through the consultation in respect of the draft secondary legislation, and any changes that may be necessary as a result, the intention is to submit the legislation to the March 2017 sitting of Tynwald with a view to implementing the Act on 01 April 2017

In the light of submission deadlines for Tynwald it would be appreciated if you could let me have your views by **Wednesday 08 February 2017**.

Yours sincerely

**Tom Bateman**  
Legislation Manager

<sup>1</sup>The UK currently uses a much more complex code published in 2015.