

**3. BILL FOR THIRD READING**

**3.1. Criminal Evidence Bill 2018 –  
Third Reading approved**

Dr Allinson to move:

*That the Criminal Evidence Bill 2018 be read the third time.*

**The Speaker:** Item 3, Bill for Third Reading, Criminal Evidence Bill 2018. I call on the Hon. Member for Ramsey, Dr Allinson, to move.

**Dr Allinson:** Thank you, Mr Speaker.

I rise to move the Third Reading of the Criminal Evidence Bill 2018 and, in doing so, I would like to thank Hon. Members for their support during the previous stages of this Bill.

Before addressing a few of the issues raised during the clauses stage, I would like to remind Hon. Members that the purpose of the Bill is to place procedures relating to the use of hearsay evidence in criminal court cases in Manx law and to ensure they reflect reality in the 21st century. The Bill will also provide a legal framework in relation to how a person's character, or rather their bad character, may or may not be used in court and provides appropriate safeguards.

During the clauses stage last week, some specific technical questions were asked, which I have considered and I would now like to try and address.

Mr Hooper, Hon. Member for Ramsey, asked the question relating to a reference to marriage in clause 21(1) contained in the section on reputation or family tradition. I have taken advice and it appears this does *not* include civil partnerships. This is quite possibly an oversight and we will look to correct this by way of an amendment through a latter Bill.

In relation to Mr Hooper's second question regarding transcripts of sound recordings arising out of clause 38(2)(a), I would say that in order to be of any practical use a recording, whether a video recording or not, would have audio. A recorded interview could have moving images as well as the indispensable sound recording or it could consist of merely a sound recording. Either way, a transcript of the sound recording of the recorded interview would have to have been produced in order for the witness to use that transcript to refresh his or her memory when giving evidence in criminal proceedings. So, yes, sound includes a video recording with sound, and that is confirmed by the interpretation in clause 39.

Lastly, in relation to the question of capability, I understand a capacity Bill is on the Government's legislative programme in the name of the Minister for the Department of Health and Social Care, and is for completion before the end of the current administration in June 2021.

Mr Speaker, I beg to move that the Criminal Evidence Bill 2018 be read a third time and do pass. The Bill will of course have to return to the Council for their agreement to the amendment made in this House to clause 40.

**The Speaker:** I call on the Hon. Member for Douglas East, Miss Bettison.

**Miss Bettison:** I beg to second and reserve my remarks.

**The Speaker:** I call on the Hon. Member for Onchan, Ms Edge.

**Ms Edge:** Thank you, Mr Speaker.

I would like to thank the mover for clarifying that capacity will be on the legislation bill.

Just with regard to the other question which I asked last week, with regard to facing your accuser and some of the evidence that is coming out from the changes that were made in the UK in 2003, did he seek any further assurance around that?

**The Speaker:** I call the mover the reply.

**Dr Allinson:** Thank you, Mr Speaker.

I would like to thank Ms Edge for her comments.

Yes, as she points out, the legislation that we are introducing here is almost exactly the same as the Bill brought through in Westminster in 2003 and will manage to both change the legislation and change the way the courts proceed, but also guarantee those safeguards for either the accused, but particularly for the victims.

**The Speaker:** Just before I put the question, just as a comment to the mover of the Bill, there is an opportunity within Standing Order 10.5 of Tynwald Standing Orders for an amendment to be made there lest it save us problems about human rights compliance with regard to the passage of the Bill. I will just leave that with the Member to take back to the Department for consideration.

The question I put to the House is that the Criminal Evidence Bill be read for a third time and pass. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes the business on our Order Paper today. The House will stand adjourned until next Tuesday at 10.30 a.m. in Tynwald Court.

Thank you.

*The House adjourned at 10.16 a.m.*