

2. Criminal Justice, Police Powers and Other Amendments Bill 2013 – First Reading approved

Mr Coleman to move:

That the Criminal Justice, Police Powers and Other Amendments Bill 2013 be read a first time.

The President: We turn now to the Criminal Justice, Police Powers and Other Amendments Bill 2013 for First Reading. I call on Mr Coleman.

Mr Coleman: Thank you, Madam President.

Madam President, in introducing this Bill to the Council and moving its First Reading, I thought it would be useful to outline what the Bill is about.

The purpose of this Bill is to update powers and procedures as they relate to or impinge on the work of the Police and enable the Police to operate efficiently and effectively in the 21st century.

To this end, the Bill addresses the issue of bail, both by enabling the Police to grant bail with conditions rather than hold a person in police cells pending a court hearing to do the same, and by providing for forfeiture in the event any condition of bail is breached. The aim is to discourage persons from breaching bail conditions and thereby save police time currently consumed arresting those who breach bail.

Another change to bail is in those instances where the Police arrest a person, take them to a police station and immediately release them on bail to return to the police station at a later date. The Bill makes provision for the person to be released on bail from the street, with the only condition being to appear at a police station at a time, date and place stated.

Other changes in the Bill specify the minimum rank of officer in relation to any matter that requires the authority of a senior officer. The power to make police regulations has been expanded so modern regulations can be made dealing with the conduct, efficiency and performance of officers and by rationalising the statute book with regard to extant regulations.

Policing is important, not just for our own safety and protection but in the fight against serious, organised crime, especially where it crosses borders, and therefore the powers in relation to search and seizure of material in an investigation and the capacity of search warrants have been addressed.

We constantly need to assess police powers against developing human rights understanding, and accordingly the power of arrest has been revised with the aim of making it both clearer and requiring the Police to evidence the necessity of making an arrest rather than dealing with the matter in some other way or summoning the person instead.

Still on the subject of human rights, the Bill changes the definition of a juvenile so that it is defined as a child under the age of 18. This fits in with international norms.

The powers to make police codes regulating police activity have been revised and it will now, for example, be possible to make a detailed code covering the exercise of the power of arrest.

A number of other amendments have been made relating to police powers to deal with a variety of other issues. I will not list them all, but just focus on the last clause, which concerns the return of missing children. The Police are quite rightly expected to respond to reports of missing children. Having listened to what was said during the consultation process, the last provision in the Bill simply empowers the Police to return a child to the person responsible for his or her welfare and uses similar language to that already used in the Children and Young Persons Act.

Whilst this provision will make no difference to the efficiency or cost of policing, it does give police officers the knowledge and assurance that they have the legal authority to undertake this aspect of their work in sometimes very difficult conditions. So the Bill is not just about the powers of the Police, but assuring them that they have the legal authority to perform the functions we expect them to perform.

Members will see from the Order Paper that there were a few amendments moved and accepted during the clauses stage in the Keys, and the Minister gave a commitment to further seek amendment to the Bill in the Legislative Council.

Madam President, having introduced the Bill and outlined its purpose and essential contents, I beg to move that the First Reading of the Bill be approved.

Mr Crowe: I beg to second and reserve my remarks, Madam President.

The President: Hon. Member, Mr Downie.

Mr Downie: Madam President, obviously I want to speak in support of the Bill. I think a lot of the measures which this Bill introduces are to be welcomed.

Part 7 amends the Police Act as we have at present. Section 8A deals with special constables, but there is a piece there which makes provisions for terms and conditions of service. As I understand it, at the present time TT and Manx Grand Prix marshals are still deemed to be special constables. Having listened to the debate last week, when Mr Turner sought leave to introduce, could this issue not be dealt with, or partially dealt with, under this piece of legislation?

I am pleased to see, in 8B, there is a suggestion here that we are possibly going to return to having police cadets back in the Isle of Man. I honestly think that this is a good move. There are lots of young people interested in a career in the Police Force. Sadly, there does not seem to be a way in for younger people at the present time, and let's hope that this will give an opportunity for young local people to get involved with police work and eventually become serving officers in their own community. (**Mr Corkish:** Hear, hear.) I would just like to support the principle of that.

The President: Mr Butt.

Mr Butt: Thank you, Madam President.

I would generally support this Bill – to the mover's contentment, I hope – but I do have some concerns over some parts of it.

In particular, I would ask him to research the bail from the street, which I think is a measure which needs to be looked at very carefully. I see there is a safeguard in there now, which was not there the last time we had a similar Bill coming towards us. The previous Bill tried to bring in all sorts of stuff which was, I think, totally wrong. I think we had that congregations of more than three children together on the street were not allowed etc, so I am glad to see the Department has toned things down with this Bill here.

I would also like the mover to confirm that the changes under the Police Act... Are the Police Federation happy with that, and is it a move away from the English regulations? The local Police always try to maintain reciprocity with the UK in terms of pay and conditions etc, and I would like to know does this change from what the UK normally does?

As for cadets, as Mr Downie mentioned, I started on my 16th birthday as a cadet – they got their indoctrination in early in those days! (*Laughter*) – and I am not sure if it did any harm or not, but it would be good to see them again. We need well indoctrinated young people in the Police Force.

So I generally support the mover, with those queries. Thank you.

The President: The mover to reply.

Mr Coleman: I think I am going to have to defer my responses... as Mr Butt said, can we research the issue of the bail thing, and also on the issue of the police cadets.

I have Mr Tom Bateman here. Maybe he can provide some further information on those aspects.

The President: If we are going to that, then we need to have the microphone by Mr Bateman and for him to formally introduce himself for the purposes...

Mr Butt: I am not concerned today, Madam President. I just to give the mover notice that we may discuss that next week.

Mr Braidwood: In two weeks' time.

The President: Do you wish, Mr Coleman, for Mr Bateman to make any comment now, or do you wish to wait until you can respond to Council?

Mr Coleman: I think it would be better to wait until we come to the Second Reading and clauses stage.

Thank you, Madam President.

The President: Okay. The motion before the Court then is that the Bill be read a First time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Member, that concludes our business for this morning.

We next meet in this Chamber on 26th November, and of course in Tynwald next week.