

5. Custody (Amendment) Bill 2016 – First Reading Approved

Mr Coleman to move:

That the Custody (Amendment) Bill 2016 be read a first time.

The President: We turn to Item 5, the Custody (Amendment) Bill 2016.
I call on the Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

Madam President, in moving the First Reading of this Bill, I can inform Hon. Members it came about because the Independent Monitoring Board have expressed the view for some time that their role is to monitor the welfare of detainees and hear their complaints or requests. They currently also have a disciplinary role and we agree with them that this function is inconsistent with their welfare and monitoring role.

Rather than prepare a Bill dealing only with this issue, it seemed sensible to address a number of other matters relating to the detention of persons in the Prison.

Clause 7 clarifies the powers of the Independent Monitoring Board to monitor the welfare of detainees, whether held in the Prison, Cronk Sollysh, a police station or in court cells.

Clause 6 will ensure the Department has appropriate and sufficient legal powers to issue guidance or give direction as to how people with responsibilities under the Act perform their functions; and in turn will enable the Independent Monitoring Board and the Parole Committee to regulate their own procedures.

Clause 6 also provides for the regulation of arrangements for the provision of healthcare through the custody rules which underlie the custody edict.

Clause 9 and the Schedule modernise provisions designed to ensure prison security and the safety of all within the prison environment; and clause 10 extends provision for testing for drugs to include tobacco and psychoactive substances.

It might assist if I just overview the clauses in sequence, perhaps.

Clauses 1 to 3 are just purely introductory; and clause 4 provides for the expiry of the Act.

Clauses 5 to 12 amend the Custody Act 1995, and I summarised the major elements of those earlier.

Clause 13 will restrict the ability to pass an additional sentence of an extended licence period on persons unless they are already serving four years or more.

Clause 14 is a series of provisions requested by the General Registry to provide legal backing to the security staff operating at the door to the court building. Although it is not related directly to the rest of the Bill, the provisions have been incorporated because there may be links between the escort of detainees to and from premises, including court premises and the work of security officers in court premises. In other words there may be potential for the current separate contracts – one by the Department and the other by the General Registry – to become one contract, and at some future date with the staff able to work interchangeably.

Clause 15 amends the Prisoner Escorts Act 2008 as a consequence of earlier provisions about monitoring boards, and clarifies the list of premises a prisoner may be escorted to or between.

In closing, I give notice that during the clauses stage of the Bill there will be four amendments moved to the CCTV provisions at the end of the Schedule to the Bill, as required on the advice of Chambers, in order to comply with a human rights judgment delivered in the UK Supreme Court, which was recently communicated to the Department. The amendments will have the effect of stating in further detail the purposes for which CCTV may be used in prison.

Madam President, I beg to move that the Custody (Amendment) Bill 2016 be read for the first time.

The President: Hon. Member, Mr Crookall.

Mr Crookall: Thank you, Madam President. I beg to second and reserve my remarks

The President: The motion is that the Bill be read for a first time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes consideration of our Order Paper today. Council will now adjourn until Tynwald next week; following that, in this Chamber on 22nd April.

The Council adjourned at 12.18 p.m.