

3. CONSIDERATION OF COUNCIL AMENDMENTS

3.1. Custody (Amendment) Bill 2016 – Council amendments approved

Mr Watterson to move.

The Speaker: We turn to Item 3, Consideration of Council Amendments. The first relates to the Custody (Amendment) Bill and I call on the mover, the Member in charge, Mr Watterson.

Mr Watterson: Thank you, Mr Speaker.

The amendments made by Council, as shown on the Order Paper, are made to the Schedule and to clause 15 which amends the Prisoner Escorts Act 2008.

The amendments to the provisions in the schedule relating to the installation and use of CCTV in the prison were required by the Attorney General's Chambers in order to comply with the determination of an issue with human rights implications in the UK Supreme Court.

The amendments made in Legislative Council remove subparagraph 9(3)(a) and then immediately reinsert the contents of the subparagraph as a separate paragraph 8A in order to make it clear what the purposes of installing and using CCTV are. The amendment in line 7 makes it clear that the use of CCTV must be proportionate and the use of CCTV must be overt. That means that it must be clear to all that CCTV is in operation.

The other amendments are consequential. By way of explanation, and very briefly, Chambers have advised that there must be an explicit statement of purpose so that the law about CCTV provision is clear and persons may regulate their conduct accordingly.

The other amendments to clause 15 amend section 1 of the Prisoner Escorts Act 2008 to enable the Department to specify, by order, further premises between which a detainee may be escorted. By doing this it would enable the Department to use contractors' staff to escort detainees to premises, for example, where a public enquiry is being held or to Tynwald. Where the Department makes an order it must be laid before Tynwald.

Mr Speaker, I beg to move that the amendments made by the Legislative Council to Schedule and clause 15 be accepted and form part of the Bill, and the Bill do pass.

The Speaker: The Hon. Member for Douglas West, Mr Thomas.

Mr Thomas: Thank you, Mr Speaker.

I beg leave to second and reserve my remarks.

The Speaker: The Hon. Member for Onchan, Mr Karran.

Mr Karran: Vainstyr Loayreyder, can the Shirveishagh just explain with the CCTV the permission as far as that is concerned? I take it that it can only be used for actual internal use and it cannot be sold or anything like that as far as any programmes are concerned, like you see in the US. If that is the case I cannot see what the problem is so long as it is not going to end up being given to a third party.

The Speaker: I call on Mr Watterson to reply.

Mr Watterson: No, I absolutely concur with the Hon. Member. It is not there to be sold. It is there for the maintenance of order within the prison.

With that assurance, I beg to move.

The Speaker: Hon. Members, I put the motion that the Council Amendments to the Custody (Amendment) Bill be approved. Those in favour, please say aye; against, no. The ayes have it, the ayes have it.