



LEGISLATIVE COUNCIL OFFICIAL REPORT

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PROCEEDINGS

DAALTYN

HANSARD

Douglas, Tuesday, 30th October 2018

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Present:

The President of Tynwald (Hon. S C Rodan)

The Lord Bishop of Sodor and Man (The Rt Rev. P A Eagles),
The Attorney General (Mr J L M Quinn QC),
Miss T M August-Hanson, Mr D C Cretney, Mr T M Crookall, Mr R W Henderson,
Mrs M M Hendy, Mrs K A Lord-Brennan, Mrs J P Poole-Wilson and Mrs K Sharpe
with Mr J D C King, Clerk of the Council.

Business transacted

Order of the Day	33
Criminal Evidence Bill 2018 – Third Reading approved	33
<i>The Council adjourned at 10.37 a.m.</i>	<i>34</i>

Legislative Council

The Council met at 10.30 a.m.

[MR PRESIDENT *in the Chair*]

The President: Moghrey mie, good morning, Hon. Members.

Members: Moghrey mie, Mr President.

5 **The President:** The Lord Bishop will lead us in prayer.

PRAYERS

The Lord Bishop

Order of the Day

1. Criminal Evidence Bill 2018 – Third Reading approved

The Attorney General to move:

That the Criminal Evidence Bill 2018 be now read a third time.

The President: Hon. Members, the business before us this morning is the Criminal Evidence Bill 2018. I call on the learned Attorney to move the Third Reading.

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The Attorney General: Thank you, Mr President.

As I explained during the previous Readings of the Criminal Evidence Bill 2018, the passage of the Bill is a matter of national importance by reason of falling within the heads of good governance and public safety.

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This is because as a matter of good governance the Bill is considered necessary and advisable so as to enable the Island to maintain its effectiveness in the fight against crime and to reflect the changes in legislation already made in the United Kingdom in this regard; and as a matter of public safety, in that the proliferation and use of drugs on the Island is a matter of grave concern to the public generally.

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The Bill was not included in the Programme for Government and does not link to any of the strategic objectives in the Government's Programme. It was promoted by me with the approval of the Council of Ministers as a matter of urgency in response to a trial ruling from Deemster Montgomerie on 9th April 2018 on the admissibility of evidence, which ruling without a change in our legislation would have jeopardised the number of forthcoming criminal trials and also made the job of the Constabulary much harder in relation to future investigations involving mobile phone

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telephone evidence. The UK legislated to resolve the same issue in England and Wales in 2003 and the Bill replicates, with minor adaptation for the Manx context, Part 11 of the UK Criminal Justice Act 2003.

30 Although the Manx courts had previously dealt satisfactorily with evidence from the mobile phones of drug dealers without the changes proposed, now that the point has been taken judicially there is a serious risk of other trials being imperilled, and therefore doing nothing is simply not an option if the Island wishes to avoid the risk of becoming a haven for drug dealers.

35 Consultation via the Consultation Hub produced no responses other than from the Chief Registrar on behalf of the judiciary who raised a couple of minor drafting issues which, to the extent that they were considered to be valid, have been addressed in the Bill. The Isle of Man Law Society, on behalf of its membership and in particular the Defence Bar, made no comment.

40 I thank Hon. Members of Council for their careful and timely consideration of the detail of this Bill, which although relatively short is nevertheless technical and takes some careful unravelling. Hopefully, Hon. Members, with your support for the Third Reading and with the support of the other place, the Bill will prove a great assistance to the Island's continued fight against the proliferation of crime, in particular against unlawful drug use.

I thank in particular my seconder, my colleague, Miss August-Hanson, for her support and for her careful and detailed consideration of the Bill and of each of its clauses. I also thank Mrs Poole-Wilson for moving the necessary amendment to the Bill.

45 Mr President, I beg to move that the Criminal Evidence Bill 2018 be read a third time and do now pass.

The President: Miss August-Hanson.

50 **Miss August-Hanson:** Thank you, Mr President. I would like to second the Bill and reserve my remarks.

The President: Hon. Members, an opportunity for further debate or comment.

55 **Mr Cretney:** I think, Mr President, just to put on the record I think both Deemster Montgomerie and Her Majesty's Attorney General have done a good service in terms of bringing this forward in a timely manner and it is something which I am glad that we seem to be unanimously accepting.

60 **The President:** Thank you, Hon. Member. Learned Attorney.

The Attorney General: Yes, I thank my hon. colleague for his comments and I can only repeat again my thanks to Council for dealing with this matter so expeditiously.

Thank you, Mr President.

65 **The President:** Hon. Members, the motion for the Council is that the Criminal Evidence Bill be read for the third time. All in favour, say aye; against, no. The ayes have it. The ayes have it.

Hon. Members that concludes the business before the Council this morning.

70 Can I just take the opportunity of welcoming to the Public Gallery two young voters of the future, Lainie and Nuala Sharpe. (**Members:** Hear, hear.) And I take the opportunity to wish many happy returns to Mrs Lord-Brennan. (**Members:** Hear, hear.)

Hon. Members, the Council will now adjourn and we shall meet on Tuesday next, 6th November, here in our Chamber.

Thank you, Hon. Members.

The Council adjourned at 10.37 a.m.