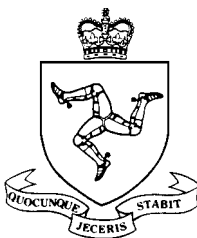


LEGISLATIVE COUNCIL Y Choonceil Slattyssagh



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS
Tuesday 27th October 2020
at 10.30am

PRESENT: President of Tynwald, The Lord Bishop, HM Attorney General, Miss August-Hanson, Mr Greenhill, Mr Henderson, Mrs Lord-Brennan, Mrs Maska, Mr Mercer, Mrs Poole-Wilson, Mrs Sharpe

1. Paper laid

Sexual Offences and Obscene Publications Bill 2019: Offences and Penalties [[PP No 2020/0176](#)] (paper issued on 7th October 2020 by the Tynwald Chamber and Information Service)

2. Sexual Offences and Obscene Publications Bill 2019

Motion made – that this Bill be read a Third time and do pass.

– Miss August-Hanson

Amendment 1 moved.

– Mrs Lord-Brennan

Amendment carried.

Amendment 2 moved.

– Mrs Poole-Wilson

Amendment carried.

Amendment 3 moved.

– Mrs Lord-Brennan

Amendment carried.

Third reading carried.

The Council adjourned at 11.15 am.

JONATHAN KING
Clerk of the Legislative Council
Cleragh y Choonceil Slattyssagh

IN THE COUNCIL

SEXUAL OFFENCES AND OBSCENE PUBLICATIONS
BILL 2019

THIRD READING –
CONCATENATED LIST OF AMENDMENTS

AMENDMENT TO CLAUSE 19

1. Page 63, line 5, for “2 years custody” substitute **5** 5 years’ custody **2**.
(Mrs Lord -Brennan)

AMENDMENT TO CLAUSE 24

2. Page 66, line 6, after subsection (3)(c) insert –
4(d) the degree of B’s vulnerability in any case where B is under the age of 18 and his or her ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through intellectual, physiological or psychiatric impairment or otherwise; **2**.

Renumber the following paragraphs accordingly.

(Mrs Poole-Wilson)

AMENDMENT TO CLAUSE 87

3. Page 105, lines 6 to 13, substitute –
4(5) The duty outlined in this section does not apply so long as, in relation to the discovered act of sexual abuse, that person complies with a safeguarding policy prescribed for the purposes of this section in regulations made by the Department. **2**.

(Mrs Lord-Brennan)

OMISSION OF CLAUSE 140

4. Page 145, lines 25 to 40 and page 142, lines 1 to 8, omit clause 140.

Adjust clause numbers and cross references throughout.

(Mrs Kerry Sharpe)

SUBSTITUTION OF CLAUSE 144

5. Page 145, lines 9 to 39 and page 146, lines 1 to 21, for clause 144 substitute —

144 Power to grant anonymity to suspects and defendants alleged to have committed certain offences

- (1) Where a person is suspected or alleged to have committed an offence to which this Part applies (the “accused person”), on an application made to a judge of the High Court on behalf of an officer of or above the rank of superintendent, or on behalf of the prosecution or the defence, the judge may give a direction that neither the name nor address, and no still or moving picture, of the accused person shall, without the express consent of a judge of the High Court —
 - (a) be published in the Island in a publication available to the public; or
 - (b) be included in a relevant programme for reception in the Island,if it is likely to lead members of the public to identify that person.
- (2) Before giving a direction under subsection (1) the judge must be satisfied that the direction is required on a ground in subsection (3).
- (3) The grounds referred to in subsection (2) are —
 - (a) the age or maturity of the accused person;
 - (b) the physical, intellectual, psychological, or psychiatric impairment of the accused person;
 - (c) the nature of the proceeding;
 - (d) the relationship of the accused person to any witness to the proceeding;
 - (e) any other ground likely to promote the purpose of this Part.
- (4) In giving a direction under subsection (1), the judge must have regard to —
 - (a) the need to ensure the fairness of the trial; and
 - (b) any other factor that is relevant to the just determination of the proceeding.

- (5) If a direction is given under subsection (1) an officer of or above the rank of superintendent, the prosecution or the defence, may make an application to a judge of the High Court for the direction to be withdrawn.
- (6) If the judge is satisfied that there has been a change of circumstances in respect of the accused person since the giving of the direction under subsection (1) such that the direction is no longer required, the judge must withdraw the direction.

(Mrs Kerry Sharpe)

AMENDMENT TO CLAUSE 145

6. Page 146, line 24 for “139, 140 or 141” substitute **139 or 140**.

(Mrs Kerry Sharpe)

7. Page 146, line 39 for “139, 140 or 141” substitute **139 or 140**.

(Mrs Kerry Sharpe)

8. Page 147, line 12, omit “or 140”.

(Mrs Kerry Sharpe)