



**Isle of Man**

*Ellan Vannin*

**AT 17 of 1996**

# **CRIMINAL JUSTICE ACT 1996**





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## CRIMINAL JUSTICE ACT 1996

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**Isle of Man***Ellan Vannin*

## CRIMINAL JUSTICE ACT 1996

*Received Royal Assent:* 9 July 1996  
*Passed:* 9 July 1996  
*Commenced:* 1 October 1996

**AN ACT** to amend the criminal law; to amend enactments relating to the confiscation etc. of the proceeds of crime; and for connected purposes.

### CRIME PREVENTION

#### **1 Crime prevention**

- (1) The Department of Home Affairs may take such steps (including those specified in section 2) as it considers will promote the prevention of crime or the welfare of the victims of crime.
- (2) Subsection (1) is without prejudice to any function which the Department may exercise under any other enactment.

#### **2 Powers for local authorities to provide closed circuit television**

- (1) Without prejudice to any power which they may exercise for those purposes under any other enactment, a local authority may take such of the following steps as they consider will, in relation to their area, promote the prevention of crime or the welfare of the victims of crime —
  - (a) providing or contributing towards the provision of apparatus for recording visual images of events occurring on any land in their area;
  - (b) providing or contributing towards the provision within their area of an electronic communications network which under the *Communications Act 2021* may be run without a licence;<sup>1</sup>
  - (c) arranging for the provision of any other description of electronic communications network within their area or between any land in their area and any building occupied by a public authority.<sup>2</sup>
- (2) Any power to provide, or to arrange for or contribute towards the provision of, any apparatus includes power to maintain, or operate, or, as

the case may be, to arrange for the maintenance or operation of, that apparatus.

- (3) Before taking such a step under this section, a local authority shall consult the Department of Home Affairs.
- (4) No recording of a visual image which has been made under this section or section 1, and no copy of such a recording, may be published except —
  - (a) with a view to the institution of or otherwise for the purpose of criminal proceedings;
  - (b) for the purpose of investigating crime;
  - (c) by order of a court; or
  - (d) in such other circumstances as may be prescribed by order made by the Department.
- (5) An order under subsection (4) shall not come into operation unless it is approved by Tynwald.
- (6) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.<sup>3</sup>

## CRIMINAL LAW

### 3 Firearms

- (1) Section 17 of the *Firearms Act 1947* shall be amended in accordance with this section.
- (2) [Substitutes subsection (1).]
- (3) [Inserts subsection (1A).]
- (4) [Substitutes in subsections (3), (5), (6) and (7) the words “Secretary of State”, for the words “Admiralty the Army Council, the Air Council”, wherever they occur.]

### 4 Power to direct trespassers to leave premises

[P1986/64/39]

- (1) If the most senior in rank of the police officers present at the scene reasonably believes —
  - (a) that any person or persons have entered premises as trespassers and that person or, if there is more than one, any of them, are present there with the purpose of residing there for any period; and<sup>4</sup>
  - (b) that reasonable steps have been taken by or on behalf of the occupier to ask them to leave; and

- (c) that such person or, if there is more than one, any such person has —
  - (i) caused damage to the premises or property in or on the premises; or
  - (ii) used threatening, abusive or insulting words or behaviour towards the occupier, a member of his family or an employee or agent of his,

that police officer may direct those persons, or any of them, to leave the premises.<sup>5</sup>

- (2) If a person knowing that such a direction has been given which applies to him —

- (a) fails to leave the premises as soon as reasonably practicable, or
- (b) having left again enters the premises as a trespasser within the period of 3 months beginning with the day on which the direction was given,

he commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale, or both.<sup>6</sup>

- (3) A constable in uniform who reasonably suspects that a person is committing an offence under this section may arrest him without warrant and section 20 of the *Police Powers and Procedures Act 1998* (power of entry to effect arrest) shall apply for the purpose of arresting a person for an offence under this section as it applies for the purpose of arresting a person for an offence under that section.<sup>7</sup>

- (4) In proceedings for an offence under this section it is a defence for the accused to show —

- (a) that his original entry on the premises was not as a trespasser, or
- (b) that he had a reasonable excuse for failing to leave the premises as soon as reasonably practicable or, as the case may be, for again entering the premises as a trespasser.

- (5) In this section —

“occupier” means the person entitled to possession of the land by virtue of an estate or interest held by him;

“premises” means any land or building but does not include land forming part of a highway;

“property” means property within the meaning of section 8(1) of the *Criminal Damage Act 1981*;

“trespasser”, in relation to any premises, means a person who is a trespasser as against the occupier of the premises.

- (6) For the purposes of this section a person may be regarded as having the purpose of residing in a place notwithstanding that he has a home elsewhere.

**5 [Inserts section 27A in the *Criminal Justice Act 1991*.]**

**6 Amends Criminal Code 1872**

[Amends the *Criminal Code 1872* as follows: paragraph (a) inserts “(1)” at the beginning of section 60A and adds subsection (2); paragraph (b) inserts “,without lawful justification or excuse,” after “if he” in section 60B(1).]

**CRIMINAL JUSTICE**

**7 Amends Criminal Justice Act 1990**

[Amends the *Criminal Justice Act 1990* as follows:- paragraph (a) amends section 27(1)(a) by substituting “17” for “14”; paragraph (b)(i) amends section 28(1), (2), (4) and (5) by substituting “young person” for “child”, wherever that word occurs; and paragraph (b)(ii) amends section 28(8) by repealing the definition of “child” and adding the definition of “young person”.]

**8 Amends Summary Jurisdiction Act 1989**

[Amends section 106(2)(a) of the *Summary Jurisdiction Act 1989* by substituting “any part of the decision of the court of summary jurisdiction, including a determination not to impose a separate penalty in respect of an offence” for “the decision of the court of summary jurisdiction”.]

**9 Review of sentences passed by criminal courts**

- (1) [Inserts sections 109A and 109B in the *Summary Jurisdiction Act 1989*.]
- (2) [Amends section 41 of the *Criminal Jurisdiction Act 1993* as follows:- paragraph (a) substitutes in subsection (1)(a) the words “any offence” for the words “an offence to which this section applies”; and paragraph (b) repeals subsections (3) and (4).]
- (3) This section does not apply in respect of any sentence passed before the date on which this section comes into operation.

**10 Amendments**

- (1) and (2) [Substitute respectively sections 19 and 27 of the *Summary Jurisdiction Act 1989*.]
- (2) [Amends section 3 of the *Criminal Justice (Penalties, Etc.) Act 1993* by inserting subsection (3A).]



- 11 [Amends section 50 of the *Criminal Jurisdiction Act 1993* by inserting subsections (1A) and (1B).]**

GENERAL

- 12 Amendments relating to the confiscation etc of the proceeds of criminal conduct**

Schedule 1, which amends the *Criminal Justice Act 1990*, shall have effect.

- 13 Miscellaneous and consequential amendments**

The enactments specified in Schedule 2 are amended in accordance with that Schedule.

- 14 Short title and commencement**

- (1) This Act may be cited as the Criminal Justice Act 1996.
- (2) This Act shall come into operation on such day or days as the Department of Home Affairs may by order appoint and different days may be appointed for different purposes and for different provisions.<sup>8</sup>
- (3) An order under subsection (2) may make such transitional provisions as the Department of Home Affairs may consider necessary in connection with the bringing into force of section 3.



**SCHEDULE 1<sup>9</sup>****SCHEDULE 2****MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS**

## Section 13

[Sch 2 amended by Insider Dealing Act 1998 Sch 4, by Children and Young Persons Act 2001 Sch 13 and by Anti-Terrorism and Crime Act 2003 Sch 15, and amends the following Acts —

Bankers' Books Evidence Act 1935 q.v.

Bail Act 1952 q.v.

Jury Act 1980 q.v.(see entry 4(2) below)

Criminal Law Act 1981 q.v.

Theft Act 1981 q.v. (see entry 7(2) below)

Wildlife Act 1990 q.v.

Criminal Justice Act 1991 q.v.

Criminal Jurisdiction Act 1993 q.v.

Shot Guns, Air Weapons and Cross-bows Act 1994 q.v.

Custody Act 1995 q.v.]

Entry 4(2) (iro Jury Act 1980) reads as follows —

“(2) Sub-paragraph (1) shall not have effect in relation to a trial where the jury has started to consider their verdict before the commencement of that sub-paragraph.”

Entry 7(2) (iro Theft Act 1981) reads as follows —

“(2) A warrant issued under section 3 of the Security Service Act 1989 (an Act of Parliament) (issue of warrants by Secretary of State) which is current when sub-paragraph (1) comes into operation\* shall have effect in accordance with section 6(6) of the Intelligence Services Act 1994 an Act of Parliament) (transitional provision).”<sup>10</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

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<sup>1</sup> Para (b) amended by Communications Act 2021 Sch 9.

<sup>2</sup> Para (c) inserted by Communications Act 2021 Sch 9.

<sup>3</sup> Subs (6) amended by Fines and Penalties Act 2024 Sch 5.

<sup>4</sup> Para (a) substituted by Criminal Justice Act 2001 s 25.

<sup>5</sup> Para (c) amended by Criminal Justice Act 2001 s 25.

<sup>6</sup> Subs (2) amended by Fines and Penalties Act 2024 Sch 4.

<sup>7</sup> Subs (3) substituted by Criminal Justice Act 2001 s 25 and amended by Criminal Justice, Police Powers and Other Amendments Act 2014 Sch 3.

<sup>8</sup> ADO (ss 1, 2, 4 to 6, 8, 10, 12, to 14, Sch 1, Sch 2 (except entries 7, 8, 11) 1/10/1996; (entry 8 of Sch 2) 30/10/1996; (s 3) 1/1/1997 (SD588/96); (entries 7, 11 of Sch 2) 1/11/1996 (SD609/96); (ss 7, 9) 1/12/1997 (SD621/97); (s 11) 22/3/2000 (SD151/00).

<sup>9</sup> Sch 1 repealed by Proceeds of Crime Act 2008 Sch 9.

<sup>10</sup> Ed. 1/11/1996.