

Statutory Document No. 2014/0387



Criminal Justice, Police Powers and Other Amendments Act 2014

CRIMINAL JUSTICE, POLICE POWERS AND OTHER AMENDMENTS ACT 2014 (APPOINTED DAY) (NO.2) ORDER 2014

Laid before Tynwald:

20 January 2015

The Department of Home Affairs makes the following Order under section 2 of the Criminal Justice, Police Powers and Other Amendments Act 2014.

1 Title

This Order is the Criminal Justice, Police Powers and Other Amendments Act 2014 (Appointed Day) (No.2) Order 2014.

2 Interpretation

For the purposes of this Order, “**the Act**” means the *Criminal Justice, Police Powers and Other Amendments Act 2014*.

3 Commencement of certain provisions of the Act

Sections 3, 14, 22 to 30, 33, 34, 37 to 39, 41 to 46 and 50 to 55 (and consequently Schedules 2 and 3) of the Act come into operation on 1 January 2015 for all purposes.

MADE 10 DECEMBER 2014

JUAN WATTERSON

Minister for Home Affairs

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order brings into operation for all purposes the specified provisions of the *Criminal Justice, Police Powers and Other Amendments Act 2014* with effect from 1 January 2015 as follows —

- section 3, as this section allows for the ultimate expiry of the *Criminal Justice, Police Powers and Other Procedures Act 2014* once all of its provisions are in operation;
- section 14, as it amends section 22 of the *Criminal Justice Act 1991* to allow for searches of one or more premises and for such searches to be allowed on one or more occasions;
- section 22, as this section gives effect to the amendments to be made to the *Police Powers and Procedures Act 1998* (PPP) by the Act;
- sections 23 to 29, as these sections provide for the amendment of sections 11, 18, 19 and Schedule 1 of the PPP along with the insertion of new section 11A, Part IIA and Schedules 1A and 1B into the PPP, with regard to new vires for search warrants and the associated additional powers of seizure;
- section 30, as this section gives effect to the substitutions to be made to sections 27 and 28 of the PPP, the insertion of a new section 28A into the PPP and the consequential amendments to other Acts with regard to powers of arrest;
- section 33, as this section amends section 40 of the PPP to redefine a juvenile as a person under the age of 18;
- section 34, as this section inserts a new section 49A into the PPP to permit suspected drug offenders to be remanded to the custody of a constable;
- section 37, as this section substitutes section 55 of the PPP to amend the application of Part IV of the PPP to children;
- section 38, as this section amends section 58 of the PPP with regard to who authorises such searches and inserts a definition of “juvenile” for the purposes of this section;
- section 39, as it inserts a new section 58A into the PPP to provide for x-rays and ultrasound scans of persons suspected of swallowing or concealing Class A drugs;
- section 41, as it amends section 64 of the PPP to allow for fingerprints to be taken elsewhere than at a police station;

- sections 42 to 44, as these sections amend sections 65 to 67 of the PPP with regard to the taking of samples outside of a police station and the supplementary provisions regarding fingerprints and samples;
- section 45, as it amends section 68A of the PPP to allow for photographing of suspects outside of a police station;
- section 46, as it amends section 69 of the PPP to increase the minimum age, for a person to be able to provide appropriate consent to a search, to 18;
- section 50, as it amends section 79 of the PPP to substitute the term “serious offence” for “serious arrestable offence”, to accordingly amend the definition of the revised term, and allow for the necessary consequential amendments to other Acts;
- section 51, as it provides for an amendment to section 81 of PPP as a consequence of the bringing into operation of various sections of the *Criminal Justice, Police Powers and Other Amendments Act 2014* under this Order;
- section 52, as it makes various minor and consequential amendments to the PPP with regard to substituting “Judge” for “Deemster”;
- section 53, as it inserts a new section 49A into the *Children and Young Persons Act 2001* in relation to the return of missing children;
- section 54, as it amends section 29(1) of the *Criminal Justice, Police and Courts Act 2007* in relation to the use of live links in court proceedings; and
- section 55, as it provides for the expiry of the *Custody (Amendment) Act 2013* via the insertion of a new section 1A into that Act.