



Statutory Document No 609/08

THE CRIMINAL JUSTICE, POLICE AND COURTS ACT 2007

THE CRIMINAL JUSTICE, POLICE AND COURTS ACT 2007  
(APPOINTED DAY) ORDER 2008

*Coming into operation*      21<sup>st</sup> July 2008

In exercise of the powers conferred on the Department of Home Affairs by section 52(2) of the Criminal Justice, Police and Courts Act 2007<sup>1</sup> and all other enabling powers, the following Order is hereby made:-

**1. Citation**

This Order may be cited as the Criminal Justice, Police and Courts Act 2007 (Appointed Day) Order 2008.

**2. Commencement of certain provisions of the Act**

Sections 20, 29 to 39 and 47 to 49 of the Criminal Justice, Police and Courts Act 2007 shall come into operation on the 21<sup>st</sup> July 2008.

Made 17<sup>th</sup> July 2008

Minister for Home Affairs

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<sup>1</sup> 2007 c.3

## **EXPLANATORY NOTE**

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

This Order brings into operation on the 21<sup>st</sup> July 2008 the following provisions of the Criminal Justice, Police and Courts Act 2007:

- Section 20 (Power of Summary Court to re-open cases to rectify sentencing etc), which allows the summary court to rescind a sentence or conviction if it appears in the interests of justice to do so;
- Section 29 (Use of live television link at a preliminary hearing), which allows the court to direct the accused to appear by video link;
- Section 30 (Live links at criminal proceedings), which allows the court to direct a witness to appear by video link;
- Section 31 (Effect of, and rescission of, direction), which allows the court to rescind a direction for the witness to appear by video link if it is in the interests of justice to do so;
- Section 32 (Courts permitted to sit at other locations), which allows the court to sit at a different location where evidence is to be given by video link and there are no suitable facilities for it in the intended courtroom;
- Section 33 (Directions to jury), which enables the Deemster to give a direction to ensure that the jury gives the same weight to the evidence as if it had been given by the witness in the courtroom;
- Section 34 (Oath made through live links), which allows a statement on oath and given in evidence through a live link to be treated as having made in the proceedings;
- Section 35 (Rules of Court), which allows the making of rules of court in connection with the use of video links;
- Section 36 (Evidence by video recording), allows for the admissibility of evidence by video recording;
- Section 37 (Video evidence, further provisions), which gives further provisions regarding video evidence;
- Section 38 (Interpretation) which contains the definitions for part 9 of the Act;
- Section 39 (Saving); which provides that no provision of this part will affect any criminal proceedings begun before the commencement of that provision and preserves the court's powers over witnesses and to exclude evidence;
- Section 47 (Electronic monitoring), which allows the court to impose an electronic monitoring requirement;
- Section 48 (Electronic monitoring requirement), which defines this term as a requirement for ensuring the offenders compliance with other requirements of a community order and makes further provision regarding its use; and
- Section 49 (Supplementary sections to 47 and 48), which provides for Rules under sections 47 and 48 to require Tynwald approval, makes the power to impose an electronic monitoring requirement additional to the court's other powers and confers a right of appeal in respect of the requirement.