

Statutory Document No. 2017/0305



Criminal Procedure and Investigations Act 2016

CRIMINAL PROCEDURE AND INVESTIGATIONS (TIME LIMITS) (NO. 2) REGULATIONS 2017¹

<i>Laid before Tynwald:</i>	<i>21 November 2017</i>
<i>Coming into Operation:</i>	<i>1 November 2017</i>

The Department of Home Affairs makes the following Regulations under section 15 of the Criminal Procedure and Investigations Act 2016.

1 Title

These Regulations are the Criminal Procedure and Investigations (Time Limits) (No. 2) Regulations 2017.

2 Commencement

These Regulations come into operation on 1 November 2017.

3 Interpretation

In these Regulations, “**the Act**” means the Criminal Procedure and Investigations Act 2016.

4 Relevant period for the prosecutor and the accused

- (1) Subject to regulation 5, the relevant period for —
- (a) subsection (8) of section 5 (Initial duty of prosecutor to disclose) of the Act;
 - (b) subsection (1) of section 6 (Disclosure by accused) of the Act;
 - (c) subsection (2) of section 7 (Updated disclosure by accused) of the Act;
 - (d) subsection (3) of section 8 (Notification of intention to call defence witnesses) of the Act;
 - (e) subsection (3) of section 9 (Notification of names of experts instructed by accused) of the Act; and
 - (f) subsection (5) of section 11 (Continuing duty of prosecutor to disclose) of the Act,

is 28 days (the “**relevant period**”).

- (2) The relevant period for section 5 begins –
 - (a) for a summary offence, on the day after the accused has pleaded not guilty in relation to the alleged offence;
 - (b) for an offence triable on information only, on the day after the committal hearing in relation to that offence; or
 - (c) for an offence triable either way or an offence specified in Schedule 2 to the Summary Jurisdiction Act 1989 –
 - (i) if it is being dealt with as a summary offence, on the day after the accused has pleaded not guilty or indicated a plea of not guilty in relation to the alleged offence; or
 - (ii) if it is being dealt with as an offence triable on information, on the day after the committal hearing in relation to that offence.
- (3) The relevant period for section 6 begins on the day after the prosecutor complies, or purports to comply, with section 5 and has given copies of documents containing evidence to the accused.
- (4) The relevant period for section 7 begins on the day after the prosecutor makes any further disclosure in compliance with section 11.
- (5) The relevant period for sections 8 and 9 begins on the same day as the relevant period specified in paragraph (3) or (4) of this Regulation as appropriate.
- (6) The relevant period for section 11(5) begins on the day after the accused has given a defence statement under section 6 or an updated defence statement under section 7.

5 Extension of the relevant period

- (1) The court may by order extend (or further extend) the relevant period by so many days as the court specifies.
- (2) The court may only make such an order –
 - (a) on an application by the prosecutor or the accused; and
 - (b) if it is satisfied that the grounds on which the application is made are reasonable and just in the circumstances.
- (3) Such an application must –
 - (a) be made within the relevant period;
 - (b) specify the grounds on which it is made; and
 - (c) state the number of days by which the applicant wishes the relevant period to be extended.
- (4) There is no limit on the number of applications that may be made under paragraph (2).

6 Revocation

The Criminal Procedure and Investigations (Time Limits) Regulations 2017¹ are revoked.

MADE 19 OCTOBER 2017

¹ SD 2017/0094.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.