

POLICE (DETENTION AND BAIL) BILL 2017

Explanatory Memorandum

1. This Bill is promoted by HM Attorney General.
2. The Bill has a single purpose, namely to restore the intended effect of the provisions in Part IV of the Police Powers and Procedures Act 1998 (“the 1998 Act”) on the computation of time for the purposes of detention and charging, and reversing the effect of a decision of the English High Court in the case of *R (Chief Constable of Greater Manchester Police) v. Salford Magistrates’ Court and Paul Hookway*, which held that time spent on police bail counted towards the 96-hour time limit. Corresponding legislation was passed in England and Wales in the Police (Detention and Bail) Act 2011 to restore the position in the Police and Criminal Evidence Act 1984 (of Parliament).
3. *Clause 1* provides for the short title of the resulting Act.
4. *Clause 2* amends the 1998 Act in two ways, both of which have the effect of excluding periods spent on police bail from the computation of the maximum period of detention.
5. In the opinion of the mover of the Bill, HM Attorney General, its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001. A detailed analysis of the position with respect to the Convention rights is set out in the Explanatory Notes for the Bill.



Ellan Vannin

POLICE (DETENTION AND BAIL) BILL 2017

- 1 A **BILL** to make provision about the calculation of certain periods of time for
 2 the purposes of Part IV of the Police Powers and Procedures Act 1998.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

3 **1 Short title**

4 The short title of this Act is the Police (Detention and Bail) Act 2017.

5 **2 Amendment of the Police Powers and Procedures Act 1998**

- 6 (1) In section 50 of the *Police Powers and Procedures Act 1998* (bail after arrest),
 7 at the end of subsection (5) insert “and any time during which the person
 8 was on bail shall not be so included”.
- 9 (2) In section 37 of that Act (limitations on police detention) at the end of
 10 subsection (6) insert—
 11 “This subsection is subject to section 50(5) (which provides for the
 12 calculation of certain periods, where a person has been granted bail
 13 under this Part, by reference to time when the person is in police
 14 detention only).”.
- 15 (3) The amendments made by subsections (1) and (2) are deemed always to
 16 have had effect.

IN THE COUNCIL

POLICE (DETENTION AND BAIL) BILL 2017

A **BILL** to make provision about the calculation of certain periods of time for the purposes of Part IV of the Police Powers and Procedures Act 1998.

Approved by the Council of Ministers
for introduction in the Council.

HM ATTORNEY
GENERAL

JUNE 2017