



Isle of Man

Ellan Vannin

AT 20 of 1981

CRIMINAL LAW ACT 1981



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**Isle of Man***Ellan Vannin*

CRIMINAL LAW ACT 1981

Received Royal Assent: 28 October 1981
Passed: 15 December 1981
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AN ACT to make further provision relating to the criminal law, and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 [Repealed]¹

2 Abetment of suicide

[P1961/60/2]

- (1) A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence and shall be liable, on conviction on information, to imprisonment for a term not exceeding fourteen years.
- (2) Sections 29 and 30 of the *Criminal Code 1872* shall cease to have effect.
- (3) Schedule 1 to the *Children and Young Persons Act 1966* shall have effect as if that Schedule included a reference to an offence under subsection (1).
- (4) Subject to sections 11 and 35 of the said Act of 1966 as extended by subsection (3), no proceedings shall be instituted for an offence under subsection (1) except by or with the consent of the Attorney General.

3 Provision as to offences under two or more laws

Where an act or omission constitutes an offence under two or more statutory provisions, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or, as the case may be, any of those provisions, but shall not be liable to be punished twice for the same offence.

4 [Repealed]²**5 Arrest of persons granted bail**

[P1967/80/23]

- (1) A constable may arrest without warrant any person who has been admitted to bail —
 - (a) if the constable has reasonable grounds for believing that that person is likely to break the condition that he will appear at the time and place required or any other condition on which he was admitted to bail, or has reasonable cause to suspect that that person is breaking or has broken any such other condition; or
 - (b) on being notified in writing by any surety for that person that the surety believes that that person is likely to break the first-mentioned condition and for that reason the surety wishes to be relieved of his obligations as a surety.
- (2) A person arrested under subsection (1) —
 - (a) shall, except where he was so arrested within the period of twenty-four hours immediately preceding an occasion on which he is required by virtue of a condition of his bail to appear before any court, be brought as soon as practicable and in any event within twenty-four hours after his arrest before any justice of the peace; and³
 - (b) in the said excepted case, shall be brought before the court before which he is required to appear as aforesaid.
- (3) A justice of the peace before whom a person is brought under subsection (2) may, if of the opinion that that person has broken or is likely to break any condition on which he was admitted to bail, remand him in custody or commit him to custody, as the case may require, or alternatively release him on his original recognizance or on a new recognizance, with or without sureties, and if not of that opinion shall release him on his original recognizance.
- (4) [Repealed]⁴

6 Use of force in making arrest, etc

[P1967/58/3]

- (1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.
- (2) Subsection (1) shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.



7 Penalties for assisting offenders

[P1967/58/4(1) to (4)]

- (1) Where a person has committed an offence, any other person who, knowing or believing him to be guilty of the offence or of some other offence, does without lawful authority or reasonable excuse any act with intent to impede his apprehension or prosecution shall be guilty of an offence.⁵
- (1A) [Repealed]⁶
- (2) [Repealed]⁷
- (3) A person committing an offence under subsection (1) with intent to impede another person's apprehension or prosecution shall, on conviction on information, be liable to imprisonment, according to the gravity of the other person's offence as follows –
 - (a) if that offence is one for which the sentence is fixed by law, he shall be liable to imprisonment for not more than ten years;
 - (b) if it is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of fourteen years, he shall be liable to imprisonment for not more than seven years;
 - (c) if it is not one included above but is one for which a person (not previously convicted) may be sentenced to imprisonment for a term of ten years, he shall be liable to imprisonment for not more than five years;
 - (d) in any other case, he shall be liable to imprisonment for not more than three years.
- (4) No proceedings shall be instituted for an offence under subsection (1) except by or with the consent of the Attorney General, but this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for such an offence, or the remand in custody or on bail of a person charged with such an offence.

8 Penalties for concealing offences or giving false information

[P1967/58/5(1) to (3) and (5)]

- (1) Where a person has committed an offence, any other person who, knowing or believing that the offence or some other offence has been committed, and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts or agrees to accept for not disclosing that information any consideration other than the making good of loss or injury caused by the offence, or the making of reasonable compensation for that loss or injury, shall be liable on conviction on information to imprisonment for not more than two years.⁸

- (2) Where a person causes any wasteful employment of the police by knowingly making to any person a false report tending to show that an offence has been committed, or to give rise to apprehension for the safety of any persons or property, or tending to show that he has information material to any police inquiry, he shall be liable on summary conviction to imprisonment for not more than six months or to a fine of not more than £5,000, or to both.
- (3) No proceedings shall be instituted for an offence under this section except by or with the consent of the Attorney General.
- (4) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

9 Attempt to commit an offence to be deemed an offence

- (1) A provision which constitutes an offence shall, unless the contrary intention appears, be deemed to provide also that an attempt to commit such offence shall be an offence against that provision, punishable as if the offence itself had been committed.
- (2) A person attempts to commit an offence if he does an act which is more than merely preparatory to the commission of the offence.⁹
- (3) A person may be guilty of attempting to commit an offence even though the facts are such that the commission of the offence is impossible.¹⁰
- (4) In any case where —
 - (a) apart from this subsection a person's intention would not be regarded as having amounted to an intent to commit an offence, but
 - (b) if the facts of the case had been as he believed them to be, his intention would be so regarded,then, for the purposes of subsection (1), he shall be regarded as having had an intent to commit that offence.¹¹

9A Computer security: attempts

- (1) Subject to section 8 of the *Computer Security Act 1992* (relevance of external law), if this subsection applies to an act, what the person doing it had in view shall be treated as an offence to which section 9 applies.
- (2) Subsection (1) applies to an act if —
 - (a) it is done in the Island and
 - (b) it would fall within section 9 as more than merely preparatory to the commission of an offence under section 3 of the *Computer Security Act 1992* but for the fact that the offence, if completed, would not be an offence triable in the Island.¹²

10 Trial of offences

[P1967/58/6]

- (1) to (4) [Repealed]¹³
- (5) A person shall not be acquitted of attempting to commit an offence by reason only that —
 - (a) for some reason, he was unable to complete the offence; or
 - (b) the acts which he committed, together with such further acts (if any) as he intended to commit, did not in law constitute a criminal offence so long as —
 - (i) he intended to commit the offence and believed he was doing so; and
 - (ii) the acts which he intended to commit would have constituted a criminal offence if the facts or circumstances, or both, had been as he believed them to be.
- (6) and (7) [Repealed]¹⁴
- (8) Nothing in this section shall prejudice the provisions of section 9.

11 [Repealed]¹⁵**12 [Repealed]¹⁶****13 [Repealed]¹⁷****14 Community service orders**

Schedule 3 shall have effect in relation to community service orders and to the other matters specified in that Schedule.

15 Combination of disqualification and endorsement for motoring offences with probation orders and orders for discharge

[P1967/80/51]

- (1) Notwithstanding anything in section 9(2) of the *Criminal Justice Act 1963* (conviction of an offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court which, on convicting a person of an offence specified in Schedule 6 to the *Road Traffic Act 1985* (offences involving disqualification), makes a probation order or an order discharging him absolutely or conditionally may on that occasion also exercise any power conferred, and shall also discharge any duty imposed, on the court by paragraph 11, 12 or 20 of Schedule 3 to the said Act of 1985 (disqualification and endorsement).¹⁸

- (2) A conviction in respect of which a court has ordered a person to be disqualified or of which particulars have been endorsed on any licence held by him shall, notwithstanding anything in section 9(1) of the said Act of 1963 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), be taken into account in determining his liability to punishment or disqualification for any offence specified in the said Schedule 6 committed subsequently.¹⁹
- (3) In this section —
- “disqualified” means disqualified for holding or obtaining a licence, and “disqualification” shall be construed accordingly;
- “licence” means a licence to drive a motor vehicle granted under Part I of Schedule 3 to the *Road Traffic Act 1985*.²⁰

16 Power to deprive offender of property used, or intended for use, for purposes of crime

[P1973/62/43]

- (1) Where a person is convicted of an offence and —
- (a) the court by or before which he is convicted is satisfied that any property which has been lawfully seized from him or which was in his possession or under his control at the time when he was apprehended for the offence or when a summons in respect of it was issued —
- (i) has been used for the purpose of committing, or facilitating the commission of, any offence; or
- (ii) was intended by him to be used for that purpose; or
- (b) the offence, or an offence which the court has taken into account in determining his sentence, consists of unlawful possession of property which has been lawfully seized from him or which was in his possession or under his control at the time when he was apprehended for the offence or when a summons in respect of it was issued,

the court may make an order under this section in respect of that property and may do so whether or not it also deals with the offender in respect of the offence in any other way and without regard to any restrictions on forfeiture in any Act passed before the *Proceeds of Crime Act 2008*.²¹

- (1A) In considering whether to make an order under subsection (1) in respect of any property a court shall have regard —
- (a) to the value of the property; and
- (b) to the likely effects on the offender of the making of the order (taken together with any other order that the court contemplates making).²²

- (2) Facilitating the commission of an offence shall be taken for the purposes of this section and section 17 to include the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection, and references in this or that section to an offence punishable with imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders.
- (3) An order under this section shall operate to deprive the offender of his rights (if any) in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.
- (4) Section 34 of the *Summary Jurisdiction Act 1989* shall apply, with the following modifications, to property which is in the possession of the police by virtue of this section —
 - (a) no application shall be made under subsection (1) of that section by any claimant of the property after the expiration of six months from the date on which the order in respect of the property was made under this section; and
 - (b) no such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or, where an order is made under subsection (1)(a), that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in that paragraph.^{23 24}
- (5) In relation to property which is in the possession of the police by virtue of this section and in respect of which no application has been made within the period specified in subsection (4)(a) or no such application has succeeded, section 34(1) of the said Act of 1989 shall apply as if the owner of the property cannot be ascertained.²⁵

17 Driving disqualification where vehicle used for purposes of crime

[P1973/62/44]

- (1) This section applies where a person is convicted before a Court of General Gaol Delivery or a court of summary jurisdiction of an offence which if tried on information is punishable on conviction with custody for a term of 2 years or more.²⁶
- (2) If, in a case to which this section applies, the court is satisfied that a motor vehicle was used (by the person convicted or by anyone else) for the purpose of committing, or facilitating the commission of, the offence in question (within the meaning of section 16), the court may order the person convicted to be disqualified, for such period as the court thinks fit, for holding or obtaining a licence to drive a motor vehicle granted under Part I of Schedule 3 to the *Road Traffic Act 1985*.²⁷

- (3) A court which makes an order under this section disqualifying a person for holding or obtaining any such licence as is mentioned in subsection (2) shall require him to produce any such licence held by him; and
- (a) if he does not produce the licence as required, he shall be guilty of an offence under paragraph 20(4) of Schedule 3 to the *Road Traffic Act 1985* (failure to produce licence for endorsement); and²⁸
 - (b) if he applies under paragraph 14 of Schedule 3 to the said Act of 1985 for the disqualification to be removed and the court so orders, sub-paragraph (4) of that paragraph shall not have effect so as to require particulars of the order to be endorsed on the licence, but the court shall send notice of the order to the Department of Infrastructure.²⁹

18 Proof by written statement, and formal admission

Schedule 4 shall have effect in relation to —

- (a) proof by written statement;
- (b) proof by formal admission; and
- (c) the other matters specified in that Schedule.

19 [Repealed]³⁰

20 Extension of costs

- (1) Sections 50 and 52 of the *Criminal Jurisdiction Act 1993* and section 29 of the *Summary Jurisdiction Act 1989* (which relate to awards of costs out of public funds) apply in relation to a qualified medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as they apply in relation to a person called to give evidence at the instance of the court.³¹
- (1A) The said section 29 applies even though the proceedings for the purposes of which the report is made are not proceedings falling within subsection (1), (2) or (2A) of that section.³²
- (2) Subsection (1) applies to a request to a duly qualified medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court —
- (a) for the purpose of determining whether or not to make an order under section 3 of the *Criminal Justice Act 1963* (probation orders requiring treatment for mental condition) or section 54 of the *Criminal Jurisdiction Act 1993* or paragraph 2 of Schedule 2A to the *Summary Jurisdiction Act 1989* (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with the offender; or³³

- (b) in exercise of the powers conferred by section 24 of the said Act of 1993 (remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).³⁴
- (3) Section 29 of the *Summary Jurisdiction Act 1989* shall apply to a person properly attending at the instance of the court to give evidence as it applies to a person called to give evidence at the instance of the court.³⁵

21 Compensation orders

Schedule 6 shall have effect in relation to compensation orders and to the other matters specified in that Schedule.

22 Disposal of forfeits

- (1) Where under any enactment any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, unless the contrary is otherwise provided or unless it is expressed by law to be forfeited to any person, be forfeited to the Crown, and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid to the Treasury and shall form part of the General Revenue, unless other provision is made.³⁶
- (2) Nothing in this section shall affect any provision in any enactment whereby any portion of any fine or forfeit or of proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

23 Statement of penalty at foot of enactment to indicate maximum penalty provided for contravention of enactment

Whenever in any enactment a penalty is set out at the foot thereof, it shall indicate that any contravention of the enactment, whether by act or omission, shall be an offence against that enactment and shall, unless the contrary intention appears, be punishable by a penalty not exceeding the penalty stated.

24 and 25 [Repealed]³⁷

26 [Repealed]³⁸

27 [Repealed]³⁹

28 [Repealed]⁴⁰

29 Amendments

- (1) For sections 2 and 3 of the *Explosive Substances Act 1883* there shall be substituted the sections set out in Part I of Schedule 7.
- (2) [Repealed]⁴¹
- (3) For Schedule 3 to the *Firearms Act 1947* there shall be substituted the Schedule set out in Part III of Schedule 7.
- (4) The Criminal Law Acts 1872 to 1952 shall be amended in accordance with Part IV of Schedule 7.
- (5) The enactments specified in Part V of Schedule 7 shall be amended in accordance with that Part.

30 [Repealed]⁴²

31 Saving

Nothing in this Act shall affect Her Majesty's royal prerogative of mercy.

32 Short title, commencement and construction

- (1) This Act may be cited as the Criminal Law Act 1981 and shall come into operation on such day as the Governor may by order appoint, and different days may be so appointed for different provisions of this Act.⁴³
- (2) This Act shall be construed as one with the Criminal Law Acts 1872 to 1975, the *Sexual Offences Act 1967*, the *Theft Act 1981* and the *Criminal Damage Act 1981*, and those Acts and this Act may be cited together as the Criminal Law Acts 1872 to 1981.

SCHEDULE 1⁴⁴**SCHEDULE 2⁴⁵****SCHEDULE 3****COMMUNITY SERVICE ORDERS**

Section 14

[P1973/62/14]

**PART I – COMMUNITY SERVICE ORDERS IN RESPECT OF
CONVICTED PERSONS**

1. (1) Where a person of or over fourteen years of age is convicted of an offence (not being an offence for which the sentence is fixed by law), the court by or before which he is convicted may, instead of dealing with him in any other way (but subject to paragraph 2) make an order (in this Act referred to as a “community service order”) requiring him to perform unpaid work in accordance with the subsequent provisions of this Schedule for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.⁴⁶

(2) [Repealed]⁴⁷

2. A court shall not make a community service order in respect of any offender unless the offender consents and the court is satisfied –

- (a) that arrangements exist for persons to perform work under such orders;⁴⁸
- (b) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer, that the offender is a suitable person to perform work under such an order;
- (c) that provision can be made under the arrangements for him to do so; and
- (d) that, in the event of the offender being less than seventeen years, his parent or guardian also consents to the order being made unless the court is satisfied that the consent is unreasonably withheld against the wishes of the offender.

3. Where a court makes community service orders in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that the total

number of hours which are not concurrent shall not exceed the maximum in paragraph 1.

4. The functions conferred by the subsequent provisions of this Schedule on the relevant officer shall be discharged by a person nominated by the Department of Home Affairs for the purpose of those provisions.⁴⁹

5. Before making a community service order the court shall explain to the offender in ordinary language —

- (a) the purpose and effect of the order (and, in particular, the requirements of the order as specified in Part II);
- (b) the consequences which may follow under Part III if he fails to comply with any of those requirements; and
- (c) the circumstances in which the court has power under Part IV to review the order.⁵⁰

6. The court by which a community service order is made shall forthwith give copies of the order to the relevant officer and he shall give a copy to the offender.⁵¹

7. (1) The Council of Ministers may by order direct that paragraph 1 shall be amended by substituting, for the maximum number of hours specified in that paragraph as originally enacted or as previously amended under this paragraph, such number of hours as may be specified in the order.⁵²

(2) An order under sub-paragraph (1) shall not have effect until it has been approved by Tynwald.

8. Nothing in paragraph 1 shall be construed as preventing a court which makes a community service order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender or from making in respect of the offence an order under section 16 or 17 or under Part I of Schedule 6, or under section 30 of the *Theft Act 1981*.

PART II – OBLIGATIONS OF PERSON SUBJECT TO COMMUNITY SERVICE ORDER

[P1973/62/15]

9. An offender in respect of whom a community service order is in force shall —

- (a) report to the relevant officer and subsequently from time to time notify him of any change of address; and
- (b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

10. Subject to paragraph 20, the work required to be performed under a community service order shall be performed during the period of twelve months beginning with

the date of the order but, unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it.

11. The instructions given by the relevant officer under this Part shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

PART III – BREACH OF REQUIREMENTS OF COMMUNITY SERVICE ORDER

[P1973/62/16]

12. If at any time while a community service order is in force in respect of an offender it appears on complaint to a justice of the peace that the offender has failed to comply with any of the requirements of Part II (including any failure satisfactorily to perform the work which he has been instructed to do), the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the complaint is in writing and on oath, issue a warrant for his arrest.⁵³

13. Any summons or warrant issued under this Part shall direct the offender to appear or be brought before a court of summary jurisdiction.⁵⁴

14. If it is proved to the satisfaction of the court of summary jurisdiction before which an offender appears or is brought under this Part that he has failed without reasonable excuse to comply with any of the requirements of Part II, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £1,000 or may –

- (a) if the community service order was made by a court of summary jurisdiction, revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
- (b) if the order was made by a Court of General Gaol Delivery, commit him to custody or release him on bail until he can be brought or appear before such a court.

15. A court of summary jurisdiction which deals with an offender's case under paragraph 14(b) shall send to the Chief Registrar a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of Part II in the respect specified in the certificate, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure before a Court of General Gaol Delivery.

16. Where, by virtue of paragraph 14(b) the offender is brought or appears before a Court of General Gaol Delivery and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements of Part II, that court may either –

- (a) without prejudice to the continuance of the order, impose on him a fine not exceeding £1,000; or⁵⁵
- (b) revoke the order and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

17. A person sentenced under paragraph 14(a) for an offence may appeal to the Staff of Government Division against the sentence.⁵⁶

18. In proceedings before a Court of General Gaol Delivery under this Part, any question whether the offender has failed to comply with the requirements of Part II shall be determined by the court and not by the verdict of a jury.

19. A fine imposed under this Part shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

PART IV – AMENDMENT AND REVOCATION OF COMMUNITY SERVICE ORDERS, AND SUBSTITUTION OF OTHER SENTENCES

[1973/62/17]

20. Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a court of summary jurisdiction that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may extend, in relation to the order, the period of twelve months specified in paragraph 10.⁵⁷

21. Where such an order is in force and —

- (a) on any such application; or
- (b) on the offender being convicted of an offence before a court of summary jurisdiction,

it appears to the court that, having regard to such circumstances, it would be in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the court may —

- (a) if the order was made by a court of summary jurisdiction, revoke the order or revoke it and deal with the offender for that offence in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
- (b) if the order was made by a Court of General Gaol Delivery, commit him to custody or release him on bail until he can be brought or appear before such a court;

and, where the court deals with his case under sub-paragraph (b) it shall send to the Chief Registrar such particulars of the case as may be desirable.⁵⁸

22. Where an offender in respect of whom such an order is in force —
- (a) is convicted of an offence before a Court of General Gaol Delivery; or
 - (b) is committed by a court of summary jurisdiction to a Court of General Gaol Delivery for sentence and is brought or appears before the Court of General Gaol Delivery; or
 - (c) by virtue of paragraph 21(b), is brought or appears before a Court of General Gaol Delivery,

and it appears to the Court of General Gaol Delivery to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Court may revoke the order or revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

23. A person sentenced under paragraph 21(a) for an offence may appeal to the Staff of Government Division against the sentence.⁵⁹

24 and 25. [Repealed]⁶⁰

26. Where a court of summary jurisdiction proposes to exercise its powers under paragraph 20 or 21 otherwise than on the application of the offender, it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

SCHEDULE 4

PROOF BY WRITTEN STATEMENT AND BY FORMAL ADMISSION

Section 18

PART I – PROOF BY WRITTEN STATEMENT

[P1967/80/9]

1. In any criminal proceedings, other than committal proceedings, a written statement by any person shall, if such of the conditions mentioned in paragraph 2 as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
2. (1) Subject to sub-paragraph (2), the said conditions are —

- (a) the statement purports to be signed by the person who made it;
- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings; and
- (d) none of the other parties or their advocates, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this Part.

(2) The conditions mentioned in sub-paragraphs (1)(c) and (d) shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

3. The following provisions shall also have effect in relation to any written statement tendered in evidence under this Part, that is to say —

- (a) if the statement is made by a person under the age of eighteen years, it shall give his age;
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
- (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph 2(1)(c) shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.

3A. In the case of a statement which indicates in pursuance of paragraph 3(a) that the person making it is under the age of 14 years, paragraph 2(1)(b) shall have effect as if for the words from “made” onwards there were substituted the words “understands the importance of telling the truth in it”⁶¹

4. Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this Part —

- (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
- (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.

5. An application under paragraph 4(b) to a Court of General Gaol Delivery may be made before the hearing and, on any such application, the powers of the court shall be exercisable by a Deemster.

6. So much of any statement as is admitted in evidence by virtue of this Part shall, unless the court otherwise directs, be read aloud at the hearing and, where the court so directs, an account shall be given orally of so much of any statement as is not read aloud.

7. Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this Part shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

8. A document required by this Part to be served on any person may be served —

- (a) by delivering it to him or to his advocate; or
- (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business, or by addressing it to his advocate and leaving it at his office; or
- (c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his advocate at his office; or
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.

[P1967/80/89]

9. (1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of this Part wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be liable on conviction on information to imprisonment for a term not exceeding two years or a fine, or to both

(2) The *Perjury Act 1952* shall have effect as if this paragraph were contained in that Act.

[P1972/71/46(1)]

10. This Part shall apply to written statements made in the Island.

PART II – PROOF BY FORMAL ADMISSION

[P1967/80/10]

11. Subject to the provisions of this Part, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this Part shall as against that party be conclusive evidence in those proceedings of the fact admitted.

12. An admission under this Part —
- (a) may be made before or at the proceedings;
 - (b) if made otherwise than in court, shall be in writing;
 - (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
 - (d) if made on behalf of a defendant who is an individual, shall be made by his advocate;
 - (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his advocate (whether at the time it was made or subsequently) before or at the proceedings in question.
13. An admission under this Part for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).
14. An admission under this Part may, with the leave of the court, be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

SCHEDULE 5

[Sch 5 repealed by Summary Jurisdiction Act 1989 Sch 6.]

SCHEDULE 6

COMPENSATION ORDERS

Section 21

PART I – COMPENSATION ORDERS AGAINST CONVICTED PERSONS

[P1973/62/35]

1. Subject to the provisions of this Schedule, a court by or before which a person is convicted of an offence, in addition to dealing with him in any other way, may, on application or otherwise, make an order (in this Act referred to as a “compensation order”) requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.
2. In the case of an offence under the *Theft Act 1981* or *Fraud Act 2017*, where the property in question is recovered, any damage to the property occurring while it was

out of the owner's possession shall be treated for the purposes of paragraph 1 as having resulted from the offence, however and by whomsoever the damage was caused.⁶²

3. [Repealed]⁶³

4. In determining whether to make a compensation order against any person, and in determining the amount to be paid by any person under such an order, it shall be the duty of the court —

- (a) to have regard to his means so far as they appear or are known to the court; and
- (b) in a case where it proposes to make against him both a compensation order and a confiscation order under Part 2 of the *Proceeds of Crime Act 2008*, shall also have regard to its duty under section 73(6) of that Act (duty where the court considers that the offender's means are insufficient to satisfy both orders in full to order the payment out of sums recovered under the confiscation order of sums due under the compensation order).⁶⁴

5. The compensation to be paid under a compensation order made by a court of summary jurisdiction in respect of any offence of which the court has convicted the offender shall not exceed £5,000, and the compensation or total compensation to be paid under a compensation order or compensation orders made by a court of summary jurisdiction in respect of any offence or offences taken into consideration in determining sentence shall not exceed the difference (if any) between the amount or total amount which under the preceding provisions of this paragraph is the maximum for the offence or offences, of which the offender has been convicted and the amount or total amounts (if any) which are in fact ordered to be paid in respect of that offence or those offences.⁶⁵

PART II – APPEALS IN THE CASE OF COMPENSATION ORDERS

[P1973/62/36]

6. [Repealed]⁶⁶

7. A compensation order made by a court of summary jurisdiction shall be suspended —

- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a court of summary jurisdiction;
- (b) where notice of appeal is given within the period so prescribed, until the determination of the appeal.

8. Where a compensation order has been made against any person in respect of an offence taken into consideration in determining his sentence —

- (a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made;
- (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

PART III – REVIEW OF COMPENSATION ORDERS

[P1973/62/37]

9. At any time before a compensation order has been complied with or fully complied with, the court which made the order may, on the application of the person against whom it was made, discharge the order, or reduce the amount which remains to be paid, if it appears to the court –

- (a) that the injury, loss or damage in respect of which the order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order; or
- (b) in the case of an order in respect of the loss of any property, that the property has been recovered by the person in whose favour the order was made.

PART IV – ENFORCEMENT OF COMPENSATION ORDERS

10. The amount of any compensation awarded under a compensation order shall be recoverable or otherwise enforceable –

- (a) except in the case of a private prosecution (that is to say, a prosecution instituted by a private citizen acting in a private capacity), in the same manner as a fine;
- (b) in the case of a private prosecution in the same manner as a judgment for a civil debt.

PART V – EFFECT OF COMPENSATION ORDER ON SUBSEQUENT AWARD OF DAMAGES IN CIVIL PROCEEDINGS

[P1973/62/38]

11. This Part shall have effect where a compensation order has been made in favour of any person in respect of any injury, loss or damage and a claim by him in civil proceedings for damages in respect thereof subsequently falls to be determined.

12. The damages in the civil proceedings shall be assessed without regard to the order; but where the whole or part of the amount awarded by the order has been paid, the damages awarded in the civil proceedings shall not exceed the amount (if any) by which, as so assessed, they exceed the amount paid under the order.

13. Where the whole or part of the amount awarded by the order remains unpaid and the court awards damages in the civil proceedings, then, unless the person against whom the order was made has ceased to be liable to pay the amount unpaid (whether in consequence of an appeal, of his imprisonment for default or otherwise), the court shall direct that the judgment —

- (a) if it is for an amount not exceeding the amount unpaid under the order, shall not be enforced; or
- (b) if it is for an amount exceeding the amount unpaid under the order, shall not be enforced as to a corresponding amount,

without the leave of the court.

SCHEDULE 7

AMENDMENT OF CERTAIN ENACTMENTS

Section 29

PART I

[P1975/59/7]

Part I amends the following Act —

Explosive Substances Act 1883 q.v.]

PART II⁶⁷

PART III

[Part III amends the following Act —

Firearms Act 1947 q.v.]

PART IV

[Part IV amended by Child Custody Act 1987 Sch 6 and by Criminal Jurisdiction Act 1993 Sch 4, and amends the following Acts —

Criminal Code 1872 q.v.

Perjury Act 1952 q.v.]

PART V

[Part V amended by Collection of Fines etc. Act 1985 Sch 2, by Criminal Law (Amendment) Act 1985 Sch 2, by Oil Pollution Act 1986 Sch, by Corruption Act 1986 Sch, by Prison and Youth Custody Act 1986 Sch 3, Summary Jurisdiction Act 1989 Sch 6, Sexual Offences Act 1992 Sch 4, Statute Law Revision Act 1992

Sch 2, Criminal Jurisdiction Act 1993 Sch 4 and Criminal Justice (Penalties, Etc.) Act 1993 Sch 1, and amends the following Acts —

Criminal Code 1872 q.v.

Obscene Publications and Indecent Advertisements Act 1907 q.v.

Petty Sessions and Summary Jurisdiction Act 1927 q.v.

Criminal Evidence Act 1946 q.v.

Forgery Act 1952 q.v.

Criminal Justice Act 1963 q.v.

Children and Young Persons Act 1966 q.v.]

SCHEDULE 8⁶⁸

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ S 1 repealed by Sexual Offences Act 1992 Sch 4.

² S 4 repealed by Police Powers and Procedures Act 1998 Sch 5.

³ Para (a) amended by Criminal Justice Act 1996 Sch 2.

⁴ Subs (4) repealed by Summary Jurisdiction Act 1989 Sch 6.

⁵ Subs (1) amended by Criminal Justice, Police Powers and Other Amendments Act 2014 Sch 3.

⁶ Subs (1A) repealed by Criminal Justice, Police Powers and Other Amendments Act 2014 Sch 3.

⁷ Subs (2) repealed by Criminal Jurisdiction Act 1993 Sch 4.

⁸ Subs (1) amended by Criminal Justice, Police Powers and Other Amendments Act 2014 Sch 3.

⁹ Subs (2) added by Criminal Justice Act 2001 s 27.

¹⁰ Subs (3) added by Criminal Justice Act 2001 s 27.

¹¹ Subs (4) added by Criminal Justice Act 2001 s 27.

¹² S 9A inserted by Computer Security Act 1992 s 7.

¹³ Subss (1) to (4) repealed by Criminal Jurisdiction Act 1993 Sch 4.

¹⁴ Subss (6) and (7) repealed by Criminal Jurisdiction Act 1993 Sch 4.

¹⁵ S 11 repealed by Criminal Jurisdiction Act 1993 Sch 4.

¹⁶ S 12 repealed by Custody Act 1995 Sch 5.

¹⁷ S 13 repealed by Prison and Youth Custody Act 1986 Sch 3.

¹⁸ Subs (1) amended by Road Traffic Act 1985 Sch 8.

¹⁹ Subs (2) amended by Road Traffic Act 1985 Sch 8.

²⁰ Subs (3) amended by Road Traffic Act 1985 Sch 8.

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- ²¹ Subs (1) substituted by Criminal Justice Act 1990 s 30 and amended by Proceeds of Crime Act 2008 Sch 7.
- ²² Subs (1A) inserted by Criminal Justice Act 1990 s 30.
- ²³ Para (b) amended by Criminal Justice Act 1990 s 30.
- ²⁴ Subs (4) amended by Summary Jurisdiction Act 1989 Sch 5.
- ²⁵ Subs (5) amended by Summary Jurisdiction Act 1989 Sch 5.
- ²⁶ Subs 1 substituted by Criminal Justice, Police and Courts Act 2007 s 23.
- ²⁷ Subs (2) amended by Road Traffic Act 1985 Sch 8 and by Criminal Justice, Police and Courts Act 2007 s 23 .
- ²⁸ Para (a) amended by Road Traffic Act 1985 Sch 8.
- ²⁹ Para (b) amended by Road Traffic Act 1985 Sch 8 and by SD155/10 Sch 5.
- ³⁰ S 19 repealed by Summary Jurisdiction Act 1989 Sch 6.
- ³¹ Subs (1) substituted by Criminal Jurisdiction Act 1993 Sch 3.
- ³² Subs (1A) inserted by Criminal Jurisdiction Act 1993 Sch 3.
- ³³ Para (a) amended by Mental Health Act 1998 Sch 5.
- ³⁴ Para (b) amended by Criminal Jurisdiction Act 1993 Sch 3.
- ³⁵ Subs (3) amended by Summary Jurisdiction Act 1989 Sch 5 and by Criminal Jurisdiction Act 1993 Sch 4.
- ³⁶ Subs (1) amended by Treasury Act 1985 Sch 2.
- ³⁷ Ss 24 and 25 repealed by Custody Act 1995 Sch 5.
- ³⁸ S 26 repealed by Summary Jurisdiction Act 1989 Sch 6.
- ³⁹ S 27 repealed by Summary Jurisdiction and Miscellaneous Amendments Act 2013 s 13.
- ⁴⁰ S 28 repealed by Summary Jurisdiction Act 1989 Sch 6.
- ⁴¹ Subs (2) repealed by Summary Jurisdiction Act 1989 Sch 6.
- ⁴² S 30 repealed by Statute Law Revision Act 1992 Sch 2.
- ⁴³ ADO (whole Act) 1/4/1982 (GC3/82).
- ⁴⁴ Sch 1 repealed by Custody Act 1995 Sch 5. Part VII repealed with savings as set out in para 4 of Sch 3 to Custody Act 1995.
- ⁴⁵ Sch 2 repealed by Prison and Youth Custody Act 1986 Sch 3.
- ⁴⁶ Subpara (1) amended by Criminal Justice (Penalties, Etc.) Act 1993 s 6.
- ⁴⁷ Subpara (2) repealed by Criminal Justice (Penalties, Etc.) Act 1993, s 6.
- ⁴⁸ Para (a) amended by Criminal Justice (Penalties, Etc.) Act 1993 s 6.
- ⁴⁹ Para 4 amended by Criminal Law (Amendment) Act 1985 Sch 2, by GC120/86 and by Summary Jurisdiction Act 1988 Sch.
- ⁵⁰ Subpara (c) substituted by Criminal Jurisdiction (Penalties, Etc.) Act 1993 s 6.
- ⁵¹ Para 6 amended by Summary Jurisdiction Act 1988 Sch.
- ⁵² Subpara (1) amended by Criminal Justice (Penalties, Etc.) Act 1993 s 6.
- ⁵³ Para 12 amended by Summary Jurisdiction Act 1988 Sch.
- ⁵⁴ Para 13 amended by Summary Jurisdiction Act 1988 Sch.
- ⁵⁵ Subpara (a) amended by Statute Law Revision Act 1997 Sch1.



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- ⁵⁶ Para 17 amended by Criminal Jurisdiction Act 1993 Sch 3.
- ⁵⁷ Para 20 amended by Summary Jurisdiction Act 1988 Sch.
- ⁵⁸ Para 21 amended by Summary Jurisdiction Act 1988 Sch and by Criminal Justice (Penalties, Etc.) Act 1993 s 6.
- ⁵⁹ Para 23 amended by Criminal Jurisdiction Act 1993 Sch 3.
- ⁶⁰ Paras 24 and 25 repealed by Summary Jurisdiction Act 1988 Sch.
- ⁶¹ Para 3A inserted by Criminal Law (Amendment) Act 1985 s 5.
- ⁶² Para 2 amended by Fraud Act 2017 Sch 1.
- ⁶³ Para 3 repealed by Criminal Justice Act 2001 s 34.
- ⁶⁴ Para 4 substituted by Criminal Justice Act 1990 Sch 2 and amended by Proceeds of Crime Act 2008 Sch 7.
- ⁶⁵ Para 5 amended by Criminal Justice Act 2001 s 34.
- ⁶⁶ Para 6 repealed by Criminal Jurisdiction Act 1993 Sch 4.
- ⁶⁷ Part II repealed by Summary Jurisdiction Act 1989 Sch 6.
- ⁶⁸ Sch 8 repealed by Statute Law Revision Act 1992 Sch 2.