

Criminal Justice (Miscellaneous Provisions) Bill 2009

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The Home Affairs Department received 81 responses to their consultation on the [Criminal Justice \(Miscellaneous Provisions\) Bill 2009](#)

A few provisions have been removed but the vast majority of the draft Bill (which contains 78 Clauses) is unchanged. Significantly - in over 30 cases - the Home Affairs Department is seeking 'by Order' to self-amend the legislation.

This gives them wide powers to create new offences as and when they please without parliamentary scrutiny. Given that the Isle of Man Constabulary has a presence in that Department there is concern that should the Bill become law, the Police will have an undue influence in the direct formation of this self-amending legislation. Thus the protection afforded the citizen by the [separation of powers](#) between the legislative and executive branches of government is breached.

The concerns about individual clauses (attached) are serious in their own right. However, the clauses in aggregate would represent a significant shift in the relationship between the citizen and the state in the Isle of Man. The literal effect would be to remove the Police from the local community and to isolate them in a position of mutual suspicion. This would mirror the culture change that I believe took place in England under New Labour. This culture change was very apparent to those who lived through it and the result was that any engagement with the police became something to be avoided. The English working practice of criminalising the most minor of offences whilst giving the Police the widest possible power of arrest should not, in my view, be adopted in the Isle of Man.

We should take note that Scotland did not follow all of New Labour's changes to policing.

A comparison between the narrow powers of arrest in Scotland and the very wide powers in England shows this:

