

Statutory Document No. XX/20XX



Criminal Procedure and Investigations Act 2016

CRIMINAL PROCEDURE AND INVESTIGATIONS (TIME LIMITS) REGULATIONS 2017

Laid before Tynwald:

Coming into Operation: [date to be inserted]

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) Regulations 2017.

2 Commencement

These Regulations come into operation on [date to be inserted].

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

is 14 days (“**the relevant period**”).

- (2) The relevant period for section 5 begins on the day after the circumstances specified in section 4(2) and (3) of the Act occur.
- (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 prosecution make 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 paragraphs (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 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).

MADE

W M MALARKEY
Minister for Home Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the “relevant period” for the purposes of section 5, 6, 7, 8, 9 and 11 along with the timeframe within which the actions required by those sections must be undertaken by either the prosecutor or the accused as appropriate.

Subject to regulation 5, regulation 4 stipulates the “relevant period” as 14 days.

Regulation 5 provides of the extension of the relevant period by the court, on application by the accused or the prosecutor, if the court is satisfied there are reasonable and just grounds for approving such an application. There is no limit on the number of days by which the relevant period may be extended, or the number of applications for extensions that may be made.

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