



Sexual Offences and Obscene Publications Act 2021 Implementation Plan 2022

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Sexual offences are considered to cause the most significant harm with the emotional and physical trauma of these offences impacting those who are the victims, their families and friends, in a way that damages lives and cannot easily be repaired or overcome. Those who speak out may be fearful or believe that they will be stigmatised as a result of something that happened to them, which they were not able to prevent and did not want to happen. Sexual assault and sexual behaviour shown towards those who do not, or cannot, consent is wrong and we as an Island know this is the case.

The existing laws governing sexual offences and obscene publications are outdated and the modernisation of these laws to provide for offences committed using technology, that are, in other ways, more in line with our current world, are vital. The Sexual Offences and Obscene Publications Act 2021 whilst a long and complex piece of legislation has one simple aim, to provide statute law that is fit for purpose and combined within one place. Alongside this we are ensuring that sentence tariffs provided in law are consistent and where necessary, appropriate support, via services or interventions, are put in place.

Victims of offences must be supported and signposted towards available services provided by Government or Third Sector organisations. The voice of the victim within the Criminal Justice System is key, and learning from those who have experience of the system and will share their views as to what works, and what does not, will ensure that improvements can be identified and addressed. This is true of all aspects of the Criminal Justice System. However, is particularly important in respect of sexual offences that often go unreported, and independent advice, alongside access to services such as the Sexual Assault Referral Centre will play a critical role.

Perpetrators of offences must also receive intervention, rehabilitation and effective supervision. Here lessons can be learned as to what interventions and approaches are successful in other neighbouring jurisdictions, and how this might be applied in our context. We are in a unique position to be able to build on our management of offenders and the collaborative approach that is currently used in this work.

In the case of sexual offences and sexual abuse, while the legislation being in place is important, what is vital is the work of the agencies and organisations, both within Government and across the Island, and the services they provide to support its implementation. This implementation plan cultures a holistic approach encompassing services and support.

Hon Jane Poole-Wilson, MHK
Minister for Justice and Home Affairs
24 March 2022

1. Overview and Background

1.1 Consultation

1.2 A [public consultation](#) on the draft Sexual Offences and Obscene Publications Bill (SOOP Bill) was made available on the Consultation Hub between 10 December 2018 and the 04 February 2019.

Feedback on the Consultation Hub for the “We asked, You said” was updated on the 20 June 2019.

There were 204 responses via the Consultation Hub and an additional 7 responses were received by letter/email. Giving a total of 211 responses. Details can be found [here](#).

1.3 Progress through Legislative Branches

The SOOP Bill was given leave to be introduced and had its first reading on the 25 June 2019.

Given the complex and sensitive nature of the Bill, and the wide range of provisions included in order to address offences of a sexual nature or the connected matter of indecent publications, during the progress of the Bill a number of amendments were identified following engagement with Members of Tynwald. There were detailed debates on a wide range of topics and Government amendments, along with amendments brought forward by Members of the Legislature, were considered during progress of the Bill.

The full Hansard relating to each stage of the Bill’s progress can be found [here](#).

1.4 Amendments in the House of Keys at Clauses Stage¹

During the consideration of clauses that took place within the House of Keys on [03 December 2019](#) and [17 December 2019](#) – the following substantial amendments were made as a result of engagement with Members of Tynwald:

- At clause 3 [section 3 *Interpretation*] definition of the precise meaning of any range of age given in the Bill and that this means the age of the relevant person.
- At clause 4 [section 4 *Rape*] omission of the subsection (4(3)) dealing with those under the age of 14 as the provision was considered unnecessary on review.
- At clauses 12 – 15, 18 – 19 and at clauses 48 – 51 9 [section 12 – 15, 18 – 19, sections 49 – 51] a small addition was made to provide, in relation to an accused person’s defence, that they ‘reasonably believed’ the other party was 16, or 18, respectively.
- A new clause 27 [section 27 *Offences committed by a child or young person:...*] setting out appropriate sentencing tariffs when a person who is under 18 commits one of the offences under sections 18 – 23.
- A new clause substituting clause 64 [section 65 *Allowing persons under 18 or vulnerable adults to be in brothels*] setting out a redrawn offence in connection with allowing those under 16, those 16 – 17 with an impairment that precludes their being able to protect themselves or vulnerable adults, to be compelled to reside in, or frequent, a brothel.
- At clause 82 [section 83 *Intercourse with an animal*] adjustment of the definition of “a living animal” to “an animal” with the intent that this offence would outlaw intercourse with an animal whether alive or dead.

¹ During passage of the Bill, the terminology was ‘clauses’, but now that the Act has received Royal Assent, the terminology becomes ‘sections’. The difference in numbering between ‘clauses’ and ‘sections’ is due to renumbering when there are additions or deletions to content.

- A new clause [now section 88 *Conversion Therapy*] that introduced an offence in connection with conversion therapy being practiced, and set out additional power for the Department of Home Affairs to make guidance about the meaning of conversion therapy.
- Changes at clause 94 [section 96 *Part 2: General Interpretation*] and clause 98 [section 100 *Possession of extreme pornographic images*] related to the interpretation of the term “image” making it clear that this also includes “data (stored, transmitted or received by any means) which is capable of conversion into an image of the type being addressed.
- At clause 109 [section 111 *Voyeurism*] further detail was added making it clear that a person commits the offence of voyeurism if they, for the sexual gratification of a third party, operate equipment with the intent of providing observation of someone who has not given consent to be observed while engaging in a private act [as set out in section 112].
- The clause in the Bill as introduced at clause 145 *Parties to certain offences: disclosure* was omitted following determination that its inclusion was in potential conflict with the duties of the Police and prosecutions with reference to the Criminal Procedure and Investigation Act 2016.
- At clause 158 [section 159 *Method of notification and related matters*] an omission was made with the intention that this section be further amended to align with a similar change being made within the Domestic Abuse Bill [and was brought in the Legislative Council during consideration of clauses there]
- At clause 165 [section 166 *Review of indefinite notification requirements: factors applying to determination under section 165*] a small amendment was brought to sub-clause (2)(m) that provided further detail as to the evidence that the offender does not pose a risk of sexual harm, namely evidence of positive lifestyle changes, and, relevant treatment programmes.

Other general typographic and/or terminology/consistency related amendments were brought that improved the Bill and have not been covered in exhaustive detail. Additionally changes were brought at clauses including 71, 104, 108, 111 – 113 and 143 that removed reference to the consent of the Attorney General being sought for prosecutions; this was because only the Attorney General’s Chambers conducts criminal proceedings within the Island and the drafting of these sections had its basis in the law of England and Wales.

1.5 Amendments in the Legislative Council at Clauses Stage

During the consideration of clauses that took place within the Legislative Council on the [24 June 2020](#) and the [30 June 2020](#) – the following substantial amendments were made as a result of engagement with Members of Tynwald:

- At clause 19 [section 19 *Sexual communication with a child*] the maximum penalty on information was adjusted to 5 years to be in keeping with the other penalties within that Division.
- At clause 24 [section 24 *Positions of trust*] was adjusted to assist in defining the factors that might be considered when establishing whether a relationship is exploitative.
- At clause 87 [section 87 *Duty to notify police of possible victims of child sexual abuse*] a substitution of the wording previously found within that clause to strengthen this requirement. It ensures that any potential abuse should be reported by a person in a regulated profession (such as a teacher or a social worker) unless they have already acted to report under an existing safeguarding policy. These policies will be referenced in Regulations which the Department of Home Affairs will bring forward.

- At clause 88 [section 88 *Conversion therapy*] an addition was made to include the word “freely” within 88(2)(b), thus taking into account the fact that an individual might wish to engage with a service that, through exercising their own open choice, provides them with assistance to explore, develop or affirm their sexual orientation or gender identity.
- At clause 111 [section 111 *Voyeurism*] there was a strengthening of that clause by adding wording specifying that the voyeuristic act is committed by observing the “private parts” of another person without their consent, including by operating equipment and further including where the activation of that equipment was made unknowingly by the person being observed and without their consent: this relates to activities such as “up skirting” for example.
- At clause 119 [sections 111 to 118: *Interpretation*] small but significant changes to the language used here to allow that the terminology around distribution also includes publication and also a small change to specify the term “engaged in” rather than the more clumsy “doing” (a similar small change was brought in clause 112).
- At clause 159 [section 159 *Method of notification and related matters*] an amendment to allow regulations to be made by the Department which allow for a greater variety of reporting pathways to be set including electronic means.
- At clause 160 [section 160 *Young offenders: parental directions*] an amendment clarifying that when a young offender is required to attend a police station under section 159(3) their parent must ensure that they attend and that parent must attend with them.
- At clause 173 [section 173 *Offences committed in a country outside the Island*] an amendment to subsection (4) clarified that reference being made was in relation to the notification period, rather than the relevant date as is set out in other subsections within that clause.
- Clause 196 [section 196 *Sexual risk orders: variations, renewals and discharges*] and clause 197 *Interim sexual risk orders* were slightly amended to ensure that the reference to a court of summary jurisdiction clearly indicates that of the High Bailiff (or Deputy High Bailiff) in these circumstances.

Other general typographic and/or terminology/consistency related amendments were brought that improved the Bill and have not been covered in exhaustive detail.

1.6 Anonymity Debate

Section 140 *Anonymity of suspects and defendants alleged to have committed certain offences* [originally clause 138] was subject to particular focus within the progress of the Bill both within the House of Keys, and once again within the Legislative Council.

Within the House of Keys on the [03 December 2020](#), Mrs Caine, MHK, sought to bring an amendment to the provisions of clause 138 as follows [demarked in red was the proposed amendment which was NOT successfully progressed]:

Clause 138: Anonymity of suspects and defendants alleged to have committed certain offences

- (1) Where a person is suspected of or alleged to have committed an offence to which this Part applies, no matter likely to lead members of the public to identify the person shall during the person’s lifetime be included in any publication.
 - (2) This section — a) has effect subject to any direction given under section 142;
- ~~(b) does not apply in relation to a person who is convicted of the offence to which subsection (1) refers.~~ (b) does not apply in relation to a person charged with an offence to which this Part applies from the first court hearing for that offence; and

(c) does not apply in relation to a person who is convicted of an offence to which this Part applies.

Within the Legislative Council on [30 June 2020](#) and subsequently on the [27 October 2020](#) Mrs Sharpe, MLC, posited amendments in relation to Anonymity and [clause 140](#) which provoked passionate and complex debate both within the Legislative Council Chamber and in the wider Island media.²

1.7 Child Sex Offender Disclosure Scheme – “Sarah’s Law”:

During the passage of the SOOP Bill another matter which came to the fore was the Island’s stance around “Sarah’s Law”.

Within England and Wales this is the Child Sex Offender Disclosure Scheme known as “Sarah’s Law” and more information about that Scheme can be found here:

<https://www.gov.uk/guidance/find-out-if-a-person-has-a-record-for-child-sexual-offences>

During the debate which took place in the Legislative Council on the [24 June 2020](#), Ms August-Hanson, MLC [the mover of the Bill in Legislative Council] along with the Legislation and Policy Manager for the Department of Home Affairs at that time, were invited to make comments in connection with clause 87 *Duty to notify police of possible victims of child sexual abuse*, and specifically around Sarah’s Law and whether the Island would benefit from such a scheme.

As a result, public and media interest highlighted this aspect of the Island’s public protection framework and face to face notable engagement between the Department and those who had been the victims of sexual offences, lead to the Department’s desire to share openly with the public in an accessible manner, exactly what protections are in place on Island that parallel those in England and Wales under “Sarah’s Law” but are made in the Island context.

This information was published here:

<https://www.gov.im/about-the-government/departments/home-affairs/isle-of-man-prison-and-probation-service/how-the-isle-of-man-works-to-keep-children-and-adults-safe-from-sex-offenders/>

1.8 Comparison of Offences

Alongside the passage of the SOOP Bill a useful comparison of the offences and related penalties in Parts 2,3,4 and 6 of the Sexual Offences and Obscene Publications Bill set against a list of current corresponding or similar offences and their respective penalties was requested to be produced by Mrs Lord-Brennan, MLC [now MHK]. This was undertaken by an officer in the research team in the Chamber and Information Service within the Clerk of Tynwald’s Office and is published here:

<https://www.tynwald.org.im/business/opqp/sittings/20182021/2020-PP-0176.pdf>

1.9 Royal Assent

Royal Assent was given for the Sexual Offences and Obscene Publications Act 2021 on the 20 July 2021.

1.10 Justice Reform Act 2021

² Notable local media coverage of Mrs Sharpe’s key comments on the matter of press coverage of sexual offences cases can be found within [an interview with Paul Moulton](#) and in the [Isle of Man Newspapers article at the time](#).

INTRODUCTION

It is important to note that some of the provisions now sitting within the Justice Reform Act 2021 contain matters relevant to both Sexual Offences and Obscene Publications, and also Domestic Abuse. However the relevant provisions (as set out below) were incorporated into the Justice Reform Bill during its passage to sit within a more general legal context:

Information sharing: A more general provision was included at [Clause 5](#) within the Justice Reform Bill in relation to disclosure of information for the purposes of public safety, preventing or reducing crime, disorder or anti-social behaviour, for safeguarding the welfare of a particular Person, or where it is otherwise in the public interest. There was already a clause within the Domestic Abuse Bill ([clause 44](#)³) that related to disclosure of information by the Isle of Man Constabulary for the purpose of preventing and mitigating the effects of Domestic Abuse (providing for a "Clare's law" type scheme)⁴.

Stalking and Harassment: Part 8 Harassment and Stalking of the [Justice Reform Act 2021](#) makes changes to the Protection from Harassment Act 2000 based on provisions within England and Wales and extends the law to include stalking, restraining orders on acquittal and other key points.

Choking, suffocation and strangulation: The amendment to the Criminal Code 1872 inserted by section 18 of Schedule 1 of the Justice Reform Act 2021 creates a new section 36 *Choking, suffocation and strangulation* with its drafting based on the statutes of New South Wales 1900/40/37 (as substituted by NSW 2014/23/Sch. 1).

Consent to injury or risk of death for sexual gratification not a defence: The amendment to the Criminal Code 1872 inserted by section 18A of Schedule 1 of the Justice Reform Act 2021 creates new sections 36A, 36B and 36C which provide that consent to injury or risk of death for sexual gratification cannot be a defence. This was included, following engagement with Mrs Lord-Brennan, MLC, to preclude the so called "rough sex defence".

THE ACT

2. The Act

2.1 Basis of the Act

The Sexual Offences and Obscene Publications Act 2021 is a wide ranging modernisation of the statute law of the Island in relation to sexual offences and related matters such as obscene publications. Whilst the Island has, in the past, amended its legislation, in a piecemeal fashion, in relation to matters covered by this Act, it was considered that developments in technology, social attitudes and priorities were such that a complete overhaul of sexual offences and obscene publications legislation was required.

This Act therefore places the legislation relating to these matters within one, consolidated, piece of law. In doing so the Act not only consolidates, but enacts more comprehensive legislation, reflecting the concerns of society and uses language considered appropriate to the 21st Century.

Technological advances of one kind or another mean that sexual offences may additionally be

³ Now section 44 which provides for Regulations about the disclosure of information by the Constabulary:

https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2020/2020-0012/DomesticAbuseAct2020_1.pdf

⁴ Clare's Law, often known officially as a Domestic Violence Disclosure Scheme or similar, designates several ways for police officers to disclose a person's history of abusive behaviour to those who may be at risk from such behaviour. It is intended to reduce intimate partner violence. See Domestic Abuse Act 2020 Implementation Plan 2022.

committed at the click of a button and, furthermore, affect a great number of people not just in the Island but across the world.

Pending implementation of the SOOP Act 2021, existing law relating to sexual offences and obscene publications is found in the Sexual Offences Act 1992, the Sexual Offenders Act 2006, sections 1, 2 and 3 of, and Schedules 1, 2 and 3 to, the Criminal Justice Act 2001 and in the Obscene Publications and Indecent Advertisements Act 1907.

The SOOP Act comprises of largely distinct Parts which modernise existing law or make fresh provision and whilst the provisions within the Bill are drawn primarily from similar provisions in England and Wales and in Scotland, some are drawn from other Commonwealth jurisdictions. In particular, the provisions addressing image based abuse are based on those found in New South Wales, Australia.

Part 1 incorporates the short title, commencement and interpretation provisions for the Act.

Part 2 deals with serious sexual offences, including specific offences against children, familial offences, offences against persons with mental health difficulties impeding capacity or choice, and those that abuse positions of trust. Other provisions within Part 2 include the definition of "consent", create an offence of sexual activity in a public place, and make provision regarding offences committed outside the Island.

Part 3 sets out provisions in relation to indecent displays and offences relating to indecent matters or those which are publicly displayed but exempt displays within art galleries or when included in the performance of a play or licensed film.

Part 4 deals with the separate offence of extreme pornographic images and those created through the commissioning of an offence. There is increasing evidence that repeated exposure to such images can also encourage or initiate such offences. Due to this concern it is entirely appropriate that there is a separate offence for the possession of such images, although certain images which may be excluded are set out, such as those forming a classified work.

Part 5 relates to obscene publications and indecent advertisements and the tests of obscenity to be applied to publications and advertisements which may be thought by some to be obscene, along with exploration of the existing classification system for moving images and works which may be defended as being of public good.

Part 6 addresses voyeurism and addresses image based sexual abuse. It was noted during the passage of the Bill that the press used terms such as 'upskirting' and 'revenge porn' in relation to these kinds of offences which are inaccurate terms and sometimes minimise the effect such actions can have on the victim. This is categorised in law as 'image-based sexual abuse'.

Part 7 deals with closure orders relating to pornography and prostitution. These give the Isle of Man Constabulary the power to issue a closure notice on premises used in the commission of prostitution or pornographic offences or child sexual offences on the Island. In practice, the Constable must apply to a court for a closure order and the Act gives clear guidance regarding the duration of such orders, the right of appeal and possible compensation.

Part 8 provides for the anonymity of victims and others and grants automatic anonymity to victims and witnesses following an allegation. It is important that the general public have confidence in the court system and the press have an important role in ensuring that justice is seen to be done. However, on a small Island there can be serious long-term repercussions for anyone mentioned in a court report and implicated in a sexual offence. For this reason, section 140 extends anonymity to suspects and defendants as well. This anonymity is not unconditional and can be lifted by an

application from the Isle of Man Constabulary, the prosecution or the judge themselves if deemed to be in the public interest or essential to encourage other witnesses to come forward. The balance between the freedom of the press and personal privacy is complex and was discussed extensively during the passage of the Act [see 1.6 above].

Part 9 places restrictions on questions about a complainant's sexual history giving clear guidance about restrictions on evidence or questions about the complainant's previous sexual history and is designed to ensure any victim is supported during the court process.

Part 10 provides for notification, sexual harm prevention orders and sexual risk orders, detailing when such notifications are required, when they apply, how they apply, and the length of time that they apply for. This part also outlines differentiations between such orders, as well as who can apply and amend them and details the powers the Isle of Man Constabulary have to enter and search the home of an offender to assess and determine any further risks they may present. Sexual Harm Prevention Orders can be made by the court to include any prohibition considered necessary to protect children, vulnerable adults or the wider general public from sexual harm. These protections can be wide ranging and include forms of employment, engaging in particular activities on the internet or travelling off the Island. The Chief Constable may apply to the court for a Sexual Risk Order to protect the public or particular members of the public from harm from a defendant who has previously, or is likely to commit a sexual offence.

Part 11 makes provision for the pardoning of historic homosexual offences and the disregard of related cautions and/or convictions that are no longer regarded as criminal offences. Detailed commentary of this change and what it means for the Island was made during the third reading of the Bill, and within [a speech made by the then Chief Minister](#).

Part 12 introduces provisions into the Organised and International Crime Act 2010 to enable the forfeiture of land vehicles, ships or aircraft used in the offence of people trafficking. This also provides for the potential release of seized vehicle/vessel/aircraft depending on circumstances.

Part 13 makes amendments to the Prohibition of Female Genital Mutilation Act 2010 to bring the legislation in line with legislative developments in the UK. The effect of these amendments is to add a requirement for the police to be notified when a person who works in a regulated profession becomes aware/observes that Female Genital Mutilation (FGM) has occurred or will occur. It also makes provisions for the offence of FGM carried out outside the Isle of Man, to be treated as if it had occurred here.

Part 14 deals with general and closing matters and provides that the Department may apply UK sentencing guidelines, with appropriate modifications, to any offence within the Act. Primarily sentencing guidelines applications were considered in connection with offences involving imagery, and specifically it was noted that in these offences the criminal justice system is sometimes faced with hundreds of thousands of images, comprising numerous individual sexual offences often against children, in multiple jurisdictions. Therefore it is essential that there is consistency in the prosecution approach and the sentences applied. In addition to providing guidelines about child image cases, it is envisaged these powers to apply sentencing guidelines may be exercised in relation to other sexual offences, albeit sparingly and only where the dual test is met; that is, guidelines must be in the public interest and enhance the interests of justice.

2.2 Content of the Act

The Act comprises of a total of 234 sections spread across 14 distinct Parts. 6 Schedules supplement sections of the Act in relation to information society services (in relation to sections 79 and 103), forfeiture of indecent photographs of children or prohibited images of children (in relation to section 80), sexual offences for the purposes of Part 10 (in relation to sections 151, 152, 153, 164, 166, 169, 173, 177, 178, 181, 182, 204 and 206), other offences for the purposes of Part 10 (in relation to sections 166, 181 and 204), minor and consequential amendments (in relation to section 231) and repeals (in relation to section 232).

Briefly the layout of the Act is as follows:

Part 1 - Introduction

Interpretations, Definitions and Presumptions

Part 2 – Sexual Offences

Part 2 comprises 19 Divisions and makes new provision about sexual offences;

- Division 1 – Rape
- Division 2 – Assault
- Division 3 – Causing sexual activity without consent
- Division 4 – Rape and other offences against children under 13
- Division 5 – Child sex offences
- Division 6 – Abuse of position of trust
- Division 7 – Familial child sex offences
- Division 8 – Offences against persons with a mental disorder impeding choice
- Division 9 – Inducements etc. to persons with a mental disorder
- Division 10 – Care workers for persons with a mental disorder
- Division 11 – Sexual exploitation of children
- Division 12 – Exploitation of prostitution
- Division 13 – Suppression of brothels
- Division 14 – Preparatory offences
- Division 15 – Sex with an adult relative
- Division 16 – Indecent photographs and prohibited images of children
- Division 17 – Other offences
- Division 18 – Offences outside the Island
- Division 19 – Supplementary and general

Part 3 – Indecent Displays

- Section 97: Indecent displays
- Section 98: Powers of arrest, seizure and entry
- Section 99: Code of conduct

Part 4 – Extreme Pornographic Images

- Section 100: Possession of extreme pornographic images
- Section 101: Extreme pornography: excluded images
- Section 102: Defences: general

- Section 103: Special rules relating to providers of information society services

Part 5 – Obscene Publications and Indecent Advertisements

- Section 104: Test of obscenity
- Section 105: Negatives etc. for production of obscene articles
- Section 106: Prohibition of publication of obscene article
- Section 107: Defence of public good
- Section 108: Printing, selling etc. indecent or obscene publications
- Section 109: Classified video recordings
- Section 110: Powers of search and seizure

Part 6 – Voyeurism and Image Based Sexual Abuse

- Section 111: Voyeurism
- Section 112: Voyeurism: interpretation
- Section 113: Recording an intimate image without consent
- Section 114: Distributing intimate image
- Section 115: Threatening to record or distribute an intimate image
- Section 116: Court may order rectification
- Section 117: Exceptions
- Section 118: Meaning of consent in intimate image offences
- Section 119: Sections 109 to 116: Interpretation

Part 7 – Closure Orders

- Section 120 – Meaning of specified prostitution offence etc.
- Section 121 – Power to authorise issue of closure notice: prostitution or pornography offences
- Section 122 – Power to authorise issue of closure notice: child sex offences in the Island
- Section 123 – Contents and service of closure notice
- Section 124 – Power to make a closure order
- Section 125 – Making of closure orders: supplementary provision
- Section 126 – Closure order: enforcement
- Section 127 – Closure of premises: offences
- Section 128 – Applications for extension of closure order
- Section 129 – Orders extending closure orders
- Section 130 – Discharge of closure order
- Section 131 – Appeals
- Section 132 – Access to other premises
- Section 133 – Reimbursement of costs
- Section 134 – Exemption from liability for certain damages
- Section 135 – Compensation
- Section 136 – Guidance
- Section 137 – Issue of closure notices by persons other than police officers
- Section 138 – Part 7: Interpretation

Part 8 – Anonymity of Victims and Others

- Section 139 – Anonymity of victims of certain offences
- Section 140 – Anonymity of suspects and defendants alleged to have committed certain offences
- Section 141 – Anonymity of witnesses to certain crimes
- Section 142 – Offences to which Part 8 applies
- Section 143 – Power to displace section 137
- Section 144 – Power to displace section 138
- Section 145 – Offences
- Section 146 – Interpretation of Part 8

Part 9 – Complainants History

- Section 147 – Restriction on evidence or questions about complainant’s sexual history
- Section 148 – Interpretation and application of section 147
- Section 149 – Meaning of “sexual offence” and other references to offences
- Section 150 – Procedure on applications under section 147

Part 10 – Notifications and Orders

- Division 1 – Notification requirements
- Division 2 – Information for verification
- Division 3 – Information about release or transfer
- Division 4 – Offences committed in a country outside the island
- Division 5 – Entry and search of home address
- Division 6 – Notification orders
- Division 7 – Sexual harm prevention orders and sexual risk orders
- Division 8 – Power to amend Schedules 3 and 4
- Division 9 – General

Part 11 – Pardons and Disregards

- Division 1: Introductory
- Division 2: Pardons for certain historical sexual offences
- Division 3: Disregarding certain convictions for historical sexual offences
- Division 4: General

Part 12 – Amendment of Organised and International Crime Act 2010

- Section 226: Organised and International Crime Act 2010 amended

Part 13 – Prohibition of Female Genital Mutilation

- Section 227: Prohibition of Female Genital Mutilation Act 2010 amended

Part 14 – General

- Section 228: Service courts
- Section 229: Application to the Island of sentencing guidelines
- Section 230: Orders and regulations

- Section 231: Minor and consequential amendments
- Section 232: Repeals
- Section 233: Transitional and savings provisions
- Section 234: Extent and saving

Schedule 1 –

Schedule 1 which applies under sections 79 and 103 makes special rules relating to providers of information society services.

Schedule 2 –

Schedule 2 applies under section 80 and provides for the forfeiture of indecent photographs and prohibited images of children.

Schedule 3 –

Schedule 3 applies under various sections of Part 10 (Notification and orders) and specifies the sexual offences to which that Part applies.

Schedule 4 –

Schedule 4 also applies under various sections of Part 10 (Notification and orders) and specifies other particular sexual offences for the purposes of those provisions.

Schedule 5 –

Schedule 5 applies under section 231 and makes minor and consequential amendments to other enactments as a result of this Bill.

Schedule 6 –

Schedule 6 applies under section 232 and repeals specified Acts and provisions of Manx legislation.

KEY STAKEHOLDERS

3. Key Stakeholders

- Attorney Generals Chambers Drafters & Prosecutions Division
- Cabinet Office - Public Health
- Department for Enterprise – Land Registry
- Department of Education, Sport and Culture
- Department of Health and Social Care
- General Registry
- Isle of Man Constabulary
- Isle of Man Law Society
- Judiciary
- Manx Care
- Prison and Probation
- Third Sector
- Treasury and Legal Aid

KEY COMMITMENTS

4. Key Commitments

A criminal justice system that understands and supports those who experience sexual assault.

Whether to report sexual assault is a difficult choice for many individuals who experience it.

Ensuring that those who come forward are suitably supported on the journey that they make through the criminal justice system and that they have access to services and assistance that meets their needs is key to encouraging individuals to make that difficult choice.

That there is adequate oversight and improvement of services in place and an ongoing review of these services is also critical.

By providing a framework for the commissioning and delivery of statutory and specialist services in relation to sexual offences, we will ensure that these are focused around the needs of the victim, and the perpetrator, and provide the best outcomes possible.

An open dialogue with stakeholders

We commit to engagement and transparency with all key stakeholders, in particular the input of the third sector who provide valuable support services in these areas, which will be critical.

Clear and transparent communication about what is being done

We will establish a communications strategy to support the aim of raising awareness of the new legislation and services which are being put in place to support those who experience sexual assault.

KEY AREAS FOR IMPLEMENTATION

5. Key areas for Implementation

4.1 Statutory Guidance / Secondary Legislation

Detailed planning around the various items of Statutory Guidance and Secondary Legislation that may be required can be found within Appendix 1.

4.3 Wider Guidance / Resources / Training / Services / Systems

Detailed planning setting out the other matters that need to be addressed as part of the overall implementation of Sexual Offences and Obscene Publications Act 2021 can be found within Appendix 2.

4.4 Completed Actions

Any fully completed Actions formerly found within Appendix 2 will be moved to Appendix 3: Completed Actions where possible (unless, for example, removal of an individual action in isolation would reduce visibility of a wider piece of work).

RISKS & CHALLENGES

5. Risks / Challenges

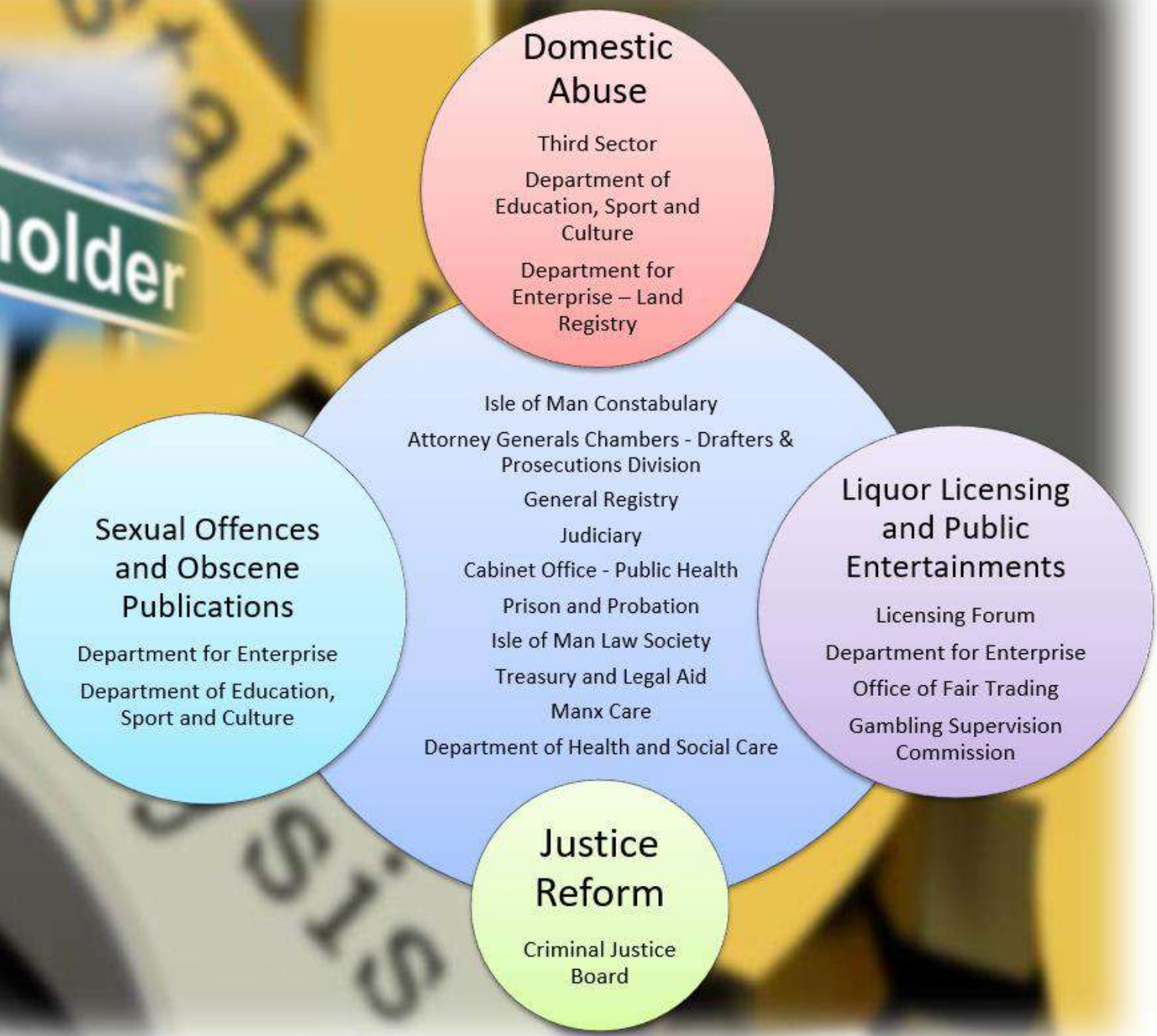
- 5.1 Key primary and secondary legislation, statutory guidance, and commissioned services will all be needed in alignment to effectively implement in a “joined up” way the Sexual Offences and Obscene Publications Act 2021, the Domestic Abuse Act 2020 and wider changes brought by the Justice Reform Act 2021.

Ensuring joined-up changes on such a broad scale is a challenge in itself. There are many “moving parts” within the process, multiple organisations and key stakeholders who will be impacted and require training programmes to be in place within those individual agencies so they are ready to operate under new legislation. In addition, an understanding of the wider service requirements across the piece, and identification of gaps where these exist, is also needed.

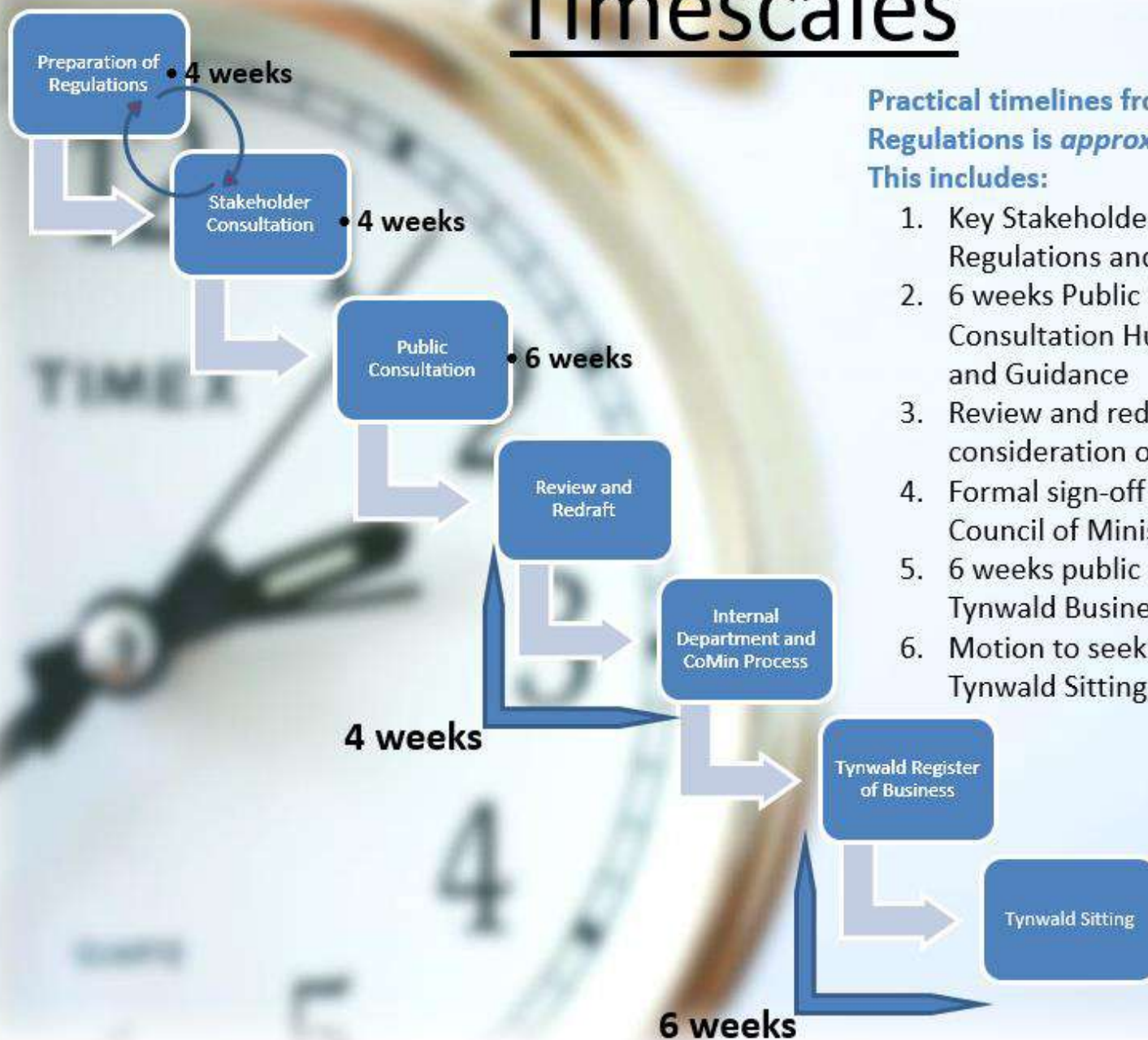
An overview of the stakeholders involved within the delivery of each piece of legislation can be found on the following page, as an illustration of this.

- 5.2 Some of the key risks and challenges that will need to be faced in providing a high-quality and seamless Domestic Abuse and Sexual Offences Framework are set out in Appendix 2.

Stakeholder



Timescales



Practical timelines from in-draft, to finalised Regulations is *approximately 5 months*.

This includes:

1. Key Stakeholder Consultation on draft Regulations and Guidance
2. 6 weeks Public Consultation via Consultation Hub on draft Regulations and Guidance
3. Review and redrafting time in consideration of consultation feedback
4. Formal sign-off by Department and Council of Ministers leave to progress
5. 6 weeks public entry on the Register of Tynwald Business
6. Motion to seek Approval/Lay before Tynwald Sitting

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■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track
 ■ No action required

Key:
Q1: Jan - March **Q3:** July - Sept
Q2: Apr - June **Q4:** Oct - Dec

Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
Part 1	✓	Appointed Day Order	Q1 2022	Q2 2022		Appointed Day Order in relation to Part 11 by June 2022. May 2023: Complete. Part 11 brought into operation on 29 June 2022. The Appointed Day Order was laid before Tynwald in July 2022.
Part 2	✓	Section 24: Ref Positions of Trust – Department of Home Affairs may issue Guidance on meaning of “position of authority” and “relationship of dependency”. Tynwald procedure – Laid before.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently. Timescales relate to bringing into force of this part of the Act.

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
		Section 87: Duty to notify police of possible victims of child sexual abuse: <ul style="list-style-type: none"> Section 87(2)(b): Department of Home Affairs may make an Order setting out meaning of a “prescribed activity” for the purposes of s.87. Section 87(5)(b); Department of Home Affairs must make Regulations setting out exhaustively for the purpose of s.87, the safeguarding policies in place for regulated professions/regulated activities that might otherwise be adhered to. Tynwald procedure – Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently. Timescales relate to bringing into force of this part of the Act.
		Section 88(3): Department of Home Affairs may issue Guidance on the meaning of expressions used in subsection (2), including those particular to “conversion therapy”, sexual orientation, gender identity etc. Tynwald procedure – Laid before.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently. Timescales relate to bringing into force of this part of the Act.

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
		Section 90(3): Department of Home Affairs may make an Order to adjust the exceptions that apply with reference to aiding, abetting and counselling commission against a child of an offence under this section. Tynwald procedure – Approval required.	Q4 2022	Q3 Q3 Q4 2023		<p>May 2023: On track for Q4.</p> <p>Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.</p> <p>Timescales relate to bringing into force of this part of the Act.</p>
Part 3	✓	Section 99: Department of Home Affairs may after consulting such persons as it considers appropriate make a code of conduct relating to the display of material to which subsection (2) applies in public places (e.g. adult magazines). Tynwald procedure – Negative resolution.	Q4 2022	Q3 Q3 Q4 2023		<p>May 2023: On track for Q4.</p> <p>Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.</p> <p>Timescales relate to bringing into</p>

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
						force of this part of the Act.
Part 4	✓	Extreme Pornographic Images. No Order or Regulations required under this Part.	Q4 2022	Q3 Q4 2023		<p>May 2023: On track for Q4.</p> <p>Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.</p> <p>Timescales relate to bringing into force of this part of the Act.</p>
Part 5	✓	Obscene Publications and Indecent Advertisements. No Order or Regulations required under this Part	Q4 2022	Q3 Q4 2023		<p>May 2023: N/A.</p> <p>Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.</p>

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
						Timescales relate to bringing into force of this part of the Act.
Part 6	✓	Voyeurism and Image Based Sexual Abuse No Order or Regulations required under this Part	Q4 2022	Q3 Q4 2023		<p>May 2023: N/A.</p> <p>Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.</p> <p>Timescales relate to bringing into force of this part of the Act.</p>
Part 7	✓	Ref: Closure Orders Section 121(11): Department of Home Affairs may make Regulations specifying premises to which closure notices do not apply in respect of prostitution or pornography offences. Tynwald procedure – Negative resolution.	Q4 2022	Q3 Q4 2023		<p>May 2023: On track for Q4.</p> <p>Timescale has been amended to reflect current position, due to focus on other legislation matters</p>

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						being progressed concurrently.
		Section 122(9): Department of Home Affairs may make Regulations specifying premises to which closure notices do not apply in respect of child sex offences in the Island. Tynwald procedure – Negative resolution.	Q4 2022	Q3 2023 Q4		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 136(1): Department of Home Affairs may issue Guidance relating to the discharge of any functions under or for the purposes of this Part of the Act by a constable or by an authorised person (within the meaning of section 126). Tynwald procedure – Laid before.	Q4 2022	Q3 2023 Q4		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 137(1): Department of Home Affairs may make an Order amending this Part of the Act so as to extend the power to authorise the issue of a closure notice to persons other than members of the Constabulary. Tynwald procedure – Negative resolution.	Q4 2022	Q3 2023 Q4		May 2023: On track for Q4. Timescale has been amended to reflect current

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
						position, due to focus on other legislation matters being progressed concurrently.
Part 8	✓	Section 140: Ref. Anonymity of suspects and defendants alleged to have committed certain offences. Non-statutory guidance explaining the changes brought by Part 8 regarding Anonymity and the effect these changes have in connection with reporting of sexual offences proceedings.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently. Timescales relate to bringing into force of this part of the Act.
Part 9	✓	Section 148(2): Department of Home Affairs may make an Order to add or remove (for the purposes of section 147 referencing restriction on evidence or questions about complainant sexual history) any offence to or from the offences which are sexual offences for the purposes of this Part, by virtue of section 149. Tynwald procedure – Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other

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						legislation matters being progressed concurrently. Timescales relate to bringing into force of this part of the Act.
Part 10	✓	Section 154(5)(i): Department of Home Affairs may make Regulations prescribing such other information, about the relevant offender or his or her personal affairs, and in relation to initial notification, as are required. Tynwald procedure – Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 155(6): Department of Home Affairs may make Regulations prescribing an additional “prescribed change of circumstances”, as are required. Tynwald procedure – Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
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Part 10 cont .	✓	Section 156(5)(a): Department of Home Affairs may make Regulations prescribing “the applicable period”, for the purposes of those to whom subsection (6) applies (those of no fixed abode in effect). Tynwald procedure – Approval required.	Q4 2022	Q3 Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 158(1): Department of Home Affairs may make Regulations requiring relevant offenders who leave the Island, or who return to the Island, to make notification. Tynwald procedure – Approval required.	Q4 2022	Q3 Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 159(1): Department of Home Affairs may make Regulations setting out the manner of notification under section 154(1), 155(1), 156(1) or 157(2) to (6) and to whom it is made (including electronic communication within the meaning of the Electronic Transactions Act 2000). Tynwald procedure – Approval required.	Q4 2022	Q3 Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
						legislation matters being progressed concurrently.
		Section 165(5): Department of Home Affairs may by Order amend period noted in subsection (1) ref determination of a review [presently set at 6 weeks]. Tynwald Procedure – Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 168(1) Department of Home Affairs must issue Guidance to the Chief Constable in relation to the determination of applications made under section 164 [review of indefinite notification requirements; application for review and qualifying dates]. Tynwald procedure - Laid before.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 169(4)(b): Department of Home Affairs may by Order prescribe the form of Certificates for purposes of part 10. Tynwald procedure - Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to

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						reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 172(2) Department of Home Affairs may by Regulations make provision requiring notice to be given by the person who is responsible for the offender [who is serving a term of custody or is detained in a hospital and with reference to release or transfer] to persons prescribed by the regulations [provisions relating to the Regulations in 172(3) and (4)]. Tynwald procedure - Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 191(1): Department of Home Affairs must issue Guidance to the Chief Constable in relation to exercise of powers in relation to Sexual harm prevention orders and interim sexual harm prevention orders. Tynwald procedure – Laid before.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
		Section 202(1): Department of Home Affairs must issue Guidance to the Chief Constable in relation to the exercise of powers with regard to Sexual risk orders and interim sexual risk orders. Tynwald procedure – Laid before.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
		Section 204(1): Department of Home Affairs may by Order amend Schedules 3 and 4. Tynwald Procedure - Approval required.	Q4 2022	Q3 Q4 2023		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently.
Part 11	✓	<ul style="list-style-type: none"> Section 221: Department of Home Affairs may by Regulations, prescribe the manner in which references to disregarded convictions are to be removed from official records in pursuance of this section and as to who relevant record keepers are. Tynwald procedure - Approval required. 	Q4 2021	Q2 2022 ⁵		Following engagement with the Isle of Man Constabulary,

⁵ It is noted that 07 July 1992 was the date on which the Sexual Offences Act 1992 came into force and revoked the Sexual Offences Act 1967 thereby decriminalising consensual homosexuality – 07 July 2022 will mark the 30th anniversary of that date.

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		<ul style="list-style-type: none"> Section 225: Department of Home Affairs may make Regulations including incidental, supplementary, consequential, transitional, transitory or saving provision that it considers appropriate for the purposes of, in connection with or for giving full effect to this part. Tynwald procedure – Negative resolution. 				Regulations will be brought forward if required. May 2023: Complete. Brought into operation on 29 June 2022 . No Regulations were considered applicable for implementation. Guidance has been produced for those wishing to apply for disregards which can be found online here .
Part 12	✓	Amendment of Organised and International Crime Act 2010	TBC	TBC		May 2023: N/A. Following consultation with key stakeholders timelines will be added.

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Part	Indicator	Appendix 1 - Key Deliverables Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress commentary
Part 13	✓	Section 227: Prohibition of Female Genital Mutilation. New section 6A: Duty to notify police of FGM. This is similar to the duty to notify under Section 87 and therefore should be flagged to those in "regulated professions" alongside the s.87.	TBC	TBC		May 2023: N/A. Following consultation with key stakeholders timelines will be added.
		Schedule para 2(7): "Relevant third party" means a person specified or falling within a description of persons specified, by order made by the Council of Ministers (and such order may, in particular, specify the Department of Home Affairs). Tynwald procedure – Negative resolution.	TBC	TBC		May 2023: N/A. Following consultation with key stakeholders timelines will be added.
Part 14	✓	Section 229(1): Department of Home Affairs may make an Order, following consultation with the Deemsters etc., applying to the Island as part of the law of the Island, to such extent and subject to such exceptions, adaptations and modifications as may be specified in the order, any provision to which this subsection applies, sentencing guidelines issued under section 120 of the Coroners and Justice Act 2009. Tynwald procedure – Negative resolution.	Q4 2022	Q3 2023 Q4		May 2023: On track for Q4. Timescale has been amended to reflect current position, due to focus on other legislation matters being progressed concurrently. Timescales relate to bringing into force of this part of the Act.

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p>Victim Liaison Officers/ Sexual Violence Advisors</p> <p>The Department of Home Affairs has trained two Victim Liaison Officers who can work with victims of crime, and their families, to ensure they understand the offender’s sentence, help to develop a Victim Impact Statement where appropriate and update victims on the developments in the offender’s sentence.</p> <p>The Probation service also provides a qualified Independent Sexual Violence Advisor (ISVA) who work with people who have experienced rape and sexual assault, irrespective of whether they have reported to the police. ISVAs play an important role in providing specialist tailored support to victims and survivors of sexual violence.</p>	<p>As part of the wider work of the SARC, the role of these officers is pivotal in supporting those who have been victims of crime and their families.</p> <p>Consideration of how additional ISVAs might be engaged and trained and from where these individuals will be drawn is key to supporting as many individuals who have experienced sexual assault as possible.</p>	<p>Timescales to be put in place once a wider scoping of available resources has been undertaken.</p>		<p>May 2023: On track. timescales for delivery of training are TBC in line with progress towards enactment of the Act and any supporting secondary legislation.</p>
<p>Wider Services</p> <p>Where service gaps are identified as part of the wider work to implement the new Act, these services will be jointly commissioned against stated outcomes and will be evidence based.</p> <p>This will link to the work identified in the Island Plan around early intervention where a commitment is made to “<i>Early-intervention and multi-agency approach</i>”</p>	<p>Provide a framework for the commissioning and provision of statutory and specialist services for those who experience sexual assault and ensuring that these are of a high quality and shaped around the identified needs of victims and perpetrators at all levels of risk is complex but vital.</p>	<p>Work with Public Health to undertake a joint strategic needs assessment on “Starting well and developing well” which will address Adverse Childhood experiences is being launched in April 2022.</p>		<p>May 2023: On track. Draft report under stakeholder review.</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p><i>to support and protect children and all victims of abuse."</i></p> <p>The effectiveness of existing interventions must be measured and performance indicators put in place as part of consideration of the wider Criminal Justice System⁶.</p>				
<p>Training and Education</p> <p>Specific training in relation to aspects of the Sexual Offences and Obscene Publications Act will be critical where services support the functions of this legislation.</p> <p>Those agencies with a role within the Criminal Justice System will of course be impacted by the range of new provisions the legislation brings to bear, but there will also be significant matters for those within the education sector and the healthcare sector, particularly around vigilance and reporting of suspected child abuse or female genital mutilation.</p>	<p>The identification and delivery of training needs to be systematic and mandatory.</p> <p>The Isle of Man Constabulary has prepared a training package which can be rolled out once all additional guidance/secondary legislation is in draft.</p> <p>Broader training is required for Manx Care and in general cross-government agreement needs to be put in place and such training driven by the Safeguarding Board.</p>	<p>Precise timescales, taking into account operational requirements for delivery of training around the Act, will be put in place following engagement with all agencies.</p> <p style="color: red;">To align with implementation of the Act: Q4 2023</p>		<p>May 2023: On track.</p> <p>As part of the work undertaken in steering the enactment of the Sexual Offences and Obscene Publications Act 2021, firm timescales will need to be applied to this action. This is therefore noted as being on track with the update regarding governance of the overall implementation under Governance of delivery of Domestic Abuse and Sexual Offences frameworks.</p>
<p>Reporting of Sex Offences- Teachers/Healthcare Staff</p>	<p>The Regulations made for the purposes of section 87</p>	<p>Precise timescales by which a review of existing</p>		<p>August 2022: On track.</p> <p>The Safeguarding Board are</p>

⁶ See also the Justice Reform Act 2021 Implementation Plan 2022

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p>Additional safeguards within Part 2 of the Sexual Offences and Obscene Publications Act 2021 at Section 87 <i>Duty to notify police of possible victims of child sexual abuse</i> is set out for those who work in a regulated profession or work with children in a regulated activity.</p> <p>Anyone in a “regulated profession” namely health care professionals, teachers, social care workers, or those working for a purpose specified in section 90(1) of the Act or in a “regulated activity” of a type prescribed by order under section 87 of the Act, must report suspected abuse. This reporting is made either by complying with a safeguarding policy prescribed for the purposes of this section in Regulations made by the Department of Home Affairs or directly to the Police.</p> <p>The individuals are bound to make a “child sexual abuse notification” if, in the course of their work, they discover that a child appears to have been subject to an act which would constitute such an offence.</p> <p>A person who fails to comply with this section commits an offence.</p>	<p>must set out exhaustively the safeguarding policies in place for regulated professions/regulated activities that might otherwise be adhered to. This information will need to be carefully collated alongside the new requirements of the legislation being communicated out to ensure that those in regulated professions or environments are aware of these obligations.</p> <p>Adequate training and processes must be in place to give assurance that any and all suspicion of child abuse will be reported and investigated.</p>	<p>safeguarding policies alongside any training needs will be identified and implemented in advance of section 87 being enacted will be set out following engagement with the Department of Education Sport and Culture / Department of Health and Social Care/Manx Care.</p> <p>To align with implementation of the Act: Q4 2023</p>		<p>currently revising procedures for Managing Allegations against an Adult in a Position of Trust (MASM) and are both in draft and out of consultation with an aim for sign off with the board by the end of October 2022.</p> <p>The procedures relate to those who are in a position of trust, working with children are already in place, and agencies safeguarding responsibilities.</p> <p>May 2023: On track.</p> <p>As part of the work undertaken in steering the enactment of the Sexual Offences and Obscene Publications Act 2021, firm timescales will need to be applied to this action. This is therefore noted as being on track with the update regarding governance of the overall implementation under Governance of delivery of Domestic Abuse and Sexual Offences frameworks.</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p>Statutory Guidance</p> <p>Aspects of the new regime for sexual offences and obscene publications is built on this foundation.</p> <p>Clear guidance will be key to the success of these parts of the regime which require it. These are set out in Appendix 1.</p>	<p>Devising guidance that is clear, concise and accessible to all parties will be a challenge given the wide range of matters to be covered and the varied stakeholders who will be impacted by this guidance.</p>	<p style="text-align: center;">Q3 Q4 2023</p>		<p>May 2023: On track. Timescale has been amended to reflect current position.</p> <p>This is therefore noted as being on track with the update regarding governance of the overall implementation under Governance of delivery of Domestic Abuse and Sexual Offences frameworks.</p>
<p>Code of Practice for Victims and Witnesses of Serious Crime</p> <p>This is a non-statutory code which was put in place at the end of 2018. https://www.gov.im/media/1364203/iom-code-of-practice-for-victims-and-witnesses-2312019.pdf</p> <p>The Criminal Justice Board oversaw the development of a Victims Code which set out, for the first time, a commitment to Victims in how the various agencies in the Justice system will deal with them and a clear description of how the system works.</p> <p>The content of the Code requires review in light of changes to legislation and services that have</p>	<p>The Code does not exclusively relate to sexual offences however following feedback the Department received from those who had been the victim of sexual assault it is apparent that improvement is needed to support these individuals and the Code needs to be considered as part of this.</p> <p>Each victim has a different experience and this is important to understand when ensuring that individuals know what to expect i.e. minimum</p>	<p>Undertake a review and update of the Criminal Justice Strategy which see a revised strategy published in 2023.</p> <p>Identification of work streams and timescales including those that relate to the Victims Code will be set out here once these are in place as part of the wider review of the Criminal Justice Strategy.</p>		<p>May 2023: On track. Scoping work taking place to develop a plan for the review and delivery of an updated Criminal Justice Strategy by the end of 2023. This is therefore noted as being on track with the update regarding governance of the overall implementation under Governance of delivery of Domestic Abuse and Sexual Offences frameworks.</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p>already happened, and those which are yet to come.</p> <p>Agencies will be asked to set out exactly what they provide by way of support for individuals who experience sexual assault and that information used to signpost both governmental and non-governmental/third sector organisations which can offer support to those who have experienced sexual assault.</p>	<p>standards and also what forums/support networks can be accessed alongside those within the Criminal Justice System.</p> <p>Identification of support gaps can be difficult. However it is hoped that revisiting the Code will provide an opportunity to capture any as yet not identified, and feed them into the wider identification of services needed to support the criminal justice system.</p>			
<p>Media Guidance - Anonymity</p> <p>Whilst there is no statutory obligation to put in place guidance in respect of Anonymity, the changes brought by section 140 of the Sexual Offences and Obscene Publications Act 2021 will be significant.</p> <p>The Department of Home Affairs believes that it will be beneficial to publish plain English guidance to explain the effect that the new anonymity provisions will have on reporting on sexual offences on Island. This guidance would be specific to those offences where anonymity</p>	<p>Guidance that provides that those agencies reporting on the criminal justice system observe the new legislation around anonymity and strikes a balance between open reporting and the individual's right to privacy needs to be found.</p>	<p>Q3 Q4 2023</p>		<p>May 2023: On track. Timescale has been amended to reflect current position.</p> <p>This is therefore noted as being on track with the update regarding governance of the overall implementation under Governance of delivery of Domestic Abuse and Sexual Offences frameworks.</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
<p>is covered by Part 8 (set out in section 142 <i>Offences to which Part 8 applies</i>) being mindful that reporting of other criminal offences will remain in line with the current approach.</p>				
<p>Baseline Data</p> <p>The new offences will likely result in the recorded crime increasing as the new offences and services come into operation.</p> <p>This statistical information will aid understanding of the current activity levels of sexual offences and allow monitoring of the impact of interventions.</p> <p>This will enable the identification of longer-term goals and resourcing requirements, and proposals aimed at delivering a sustainable approach to the Island’s response to sexual violence. See also information above around the SARC and ISVAs.</p>	<p>Resulting increase in recorded crime following the introduction of new offences.</p> <p>Availability of data and timescales will likely see initial services brought into operation which may need to be expanded or amended once further data becomes available.</p>	<p>Q4-2022 TBC</p>		<p>May 2023: Ongoing. The Chief Constable’s Annual Report for 2021-22 provides recent data and can be viewed online here.</p> <p>It is noted that in connection with domestic abuse this offers limited data and is offence focused, the Department is working with partners to gather statistical information, which continues to be gathered to aid understanding of the current activity levels of domestic abuse and allow monitoring of the impact of interventions. Similar action is likely to be require around the new sexual offences once the Act takes effect.</p> <p>NB: the date of Q4 2022 was inadvertently added in connection with this action and it has been adjusted to</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
				align with Domestic Abuse Implementation Plan dates. For Sexual Offences and Obscene Publications this adjustment does not represent a risk to delivery at this time.
<p>Public Protection Arrangements to manage perpetrators and the risk they represent</p> <p>Establish comprehensive Public Protection Arrangements across relevant agencies and Department including comprehensive training and agreed governance arrangements.</p> <p>This multi-agency way of working ensures that public protection arrangements include an adequate risk assessment which identifies perpetrators, reduces the risk of potential victims and puts safeguarding measures in place to protect victims. These are all key parts of the ongoing protection that the criminal justice system framework provides.</p> <p>Information sharing and referral pathways between key agencies, to ensure victims of abuse are identified and protected is built from a legal basis for this exchange of information found within existing legislation as it relates to sexual offenders and how they are monitored,</p>	<p>Multi-Agency collaboration can be challenging and requires all parties to regularly attend meetings and to share information. Fundamental difficulties might include:</p> <ul style="list-style-type: none"> • lack of understanding of risk imminence. • lack of clarity in guidance for escalation. 	<p>Initial co-location of the Police Early Action Team with social services to support greater multi-agency intervention for young people by April 2022 June 2023.</p> <p>Consideration of co-location of Isle of Man Constabulary protective services team with partners to create a proto-Multi-Agency Safeguarding Hub is ongoing.</p> <p>Establishment of comprehensive Public Protection Arrangements across relevant agencies and the Department, including comprehensive training and agreed governance arrangements,</p>		<p>May 2023: Risk to delivery.</p> <p>Actions combined due to the identification of additional requirements to ensure effective co-location. Revised target date of June 2023.</p> <p>Action amended to note delay, however daily joint working between Police and Social Services has been established.</p> <p>See the Department’s most up to date Delivery Plan here.</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems

Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
and also more generally within section 5 of the Justice Reform Act 2021.		will be in place by September 2022 July 2023 .		
<p>Governance of delivery of Domestic Abuse and Sexual Offences frameworks</p> <p>The Criminal Justice Board will oversee the delivery of these frameworks through the Community Safety Partnership (CSP).</p> <p>Further details about the CSP proposed architecture and Terms of Reference can be found within the Council of Ministers Response to the Constitutional, Legal Affairs and Justice Committee First Report for the Session 2022-23 Youth Justice within Appendices 1 and 2 of that report.</p>	<p>The complex project delivery requirements of these wide ranging pieces of legislation will add to the extensive workload of the Criminal Justice Board which is also key to strategic planning for the wider Criminal Justice System.</p>	<p>Beginning Q4 2021 to conclusion of delivery of fully enacted legislation and any supplementary requirements.</p>		<p>May 2023: On track.</p> <p>It was anticipated that governance would be primarily through the Criminal Justice Board. It is now proposed that the Isle of Man Community Safety Partnership (CSP) will provide direction and leadership on strategic issues and other matter connected to both domestic abuse and sexual offences. In order to facilitate the introduction of the CSP, it will act as a “shadow sub-committee” for a period of 24 months. This will allow pilot projects to be undertaken and audited, before placing the CSP on a statutory footing and making Regulations setting out the CSP’s procedures and functions. The making of such Regulations is provided for under section 5(10) of the Justice Reform Act 2021.</p>

Appendix 2 – Key Deliverables
Wider Guidance/Resources/Training/Services/Systems
 Version 3: May 2023 Update

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress commentary
				<p>Details of the proposed architecture and Terms of Reference of the “shadow” CSP can be found within the Council of Ministers Response to the Constitutional, Legal Affairs and Justice Committee First Report for the Session 2022-23 Youth Justice within Appendices 1 and 2 of that report.</p> <p>The “shadow” CSP has been established, and the inaugural meeting is to take place in May 2023 [See the Department’s most up to date Delivery Plan here].</p>

Appendix 3 - Completed Actions

[from Appendix 2]

Key Deliverables	Risks/Challenges	Time Frames	Closing commentary
<p>Sexual Assault Referral Centre (SARC)</p> <p>The Sexual Assault Referral Centre (SARC) is being put in place through partnership working between the Department of Home Affairs, the Department of Health and Social Care and Manx Care and will deliver a dedicated Sexual Assault Referral Centre offering appropriate spaces to provide immediate assistance to children and adults, support and signposting, along with forensic examinations and rooms for counselling and supported police witness interviews,</p> <p>The SARCM which will offer confidential medical, practical and emotional support to people who have recently been sexually assaulted, is a critical part of the Island's ability to support those who have experienced such an assault.</p> <p>A support worker, nurse or doctor will offer support and medical help such as pregnancy tests, emergency contraception, and a test for STIs (sexually transmitted infections).</p> <p>Individuals can also choose to have a forensic medical examination, regardless of whether or not the individual chooses to report the assault to the police. This provides a victim with the option to report the crime at a later date should they wish to do so, once they feel more able to cope with the process.</p>	<p>Funding has been allocated for the SARC, a dedicated clinician appointed and a temporary premises identified.</p> <p>The Covid-19 pandemic may lead to delays in practical progression of the SARC project in part due to availability of building materials.</p> <p>A resourcing and recruitment plan needs to be developed alongside practical build considerations.</p>	<p>Finalise building design by April 2022 and agree service design by July 2022.</p>	<p>August 2022: Complete. Building design finalised. Service design agreed end of June 2022.</p> <p>A first phase SARC has been established meaning examinations can take place quickly on-Island.</p>
<p>Pardons and Disregards for historic homosexual offences</p> <p>Pardons will apply automatically and the Department of Home Affairs and the Constabulary will develop an application process for relevant individuals to be able to apply to have their historic homosexual offences disregarded.</p>	<p>Ensuring that an effective governance framework is in place to address issues such as General Data Protection Legislation compliance.</p>	<p>Automatic pardons and Disregards for those convicted of certain homosexual offences will officially come into effect from June 2022.</p>	<p>August 2022: Complete. Application Form and Guidance can be found online here.</p> <p>May 2023: conclusion of entry in the</p>

<p>This will be in accordance with Part 11 of the Act.</p> <p>Guidance around the applications process along with application forms will be produced and made available by the Department of Home Affairs.</p>	<p>Access to historic records in order that historic convictions which might be assessed and those which are to be disregarded from official records, identified and subsequently disregarded.</p>	<p>Details of the disregard process and guidance will be published in May 2022.</p>	<p>Implementation Plan Appendix 2.</p> <p>Part 11 of the Act took effect on 29 June 2022 on the making of the Sexual Offences and Obscene Publications Act 2021 (Appointed Day) (No.1) Order 2022.</p>
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Versioning of this Implementation plan

This Implementation Plan was issued and updated as follows:

Version 1	Issued March 2022
Version 2	Update August 2022
Version 3	Update May 2023

Wherever possible throughout this Implementation plan a record of any update to timescales and commentary related to the actions associated with those timescales has been indicated by the addition of text introduced as **Month Year** update. Any dates relating to timescales which are amended are marked in red with the previous timescale struck through and a rationale for the change to this timescale added as part of that version update. Amendments made are highlighted in red, any deletions have been struck through.

New entries within an Appendix will be recorded as Month Year update: new entry added and the reasoning for such an addition. Similarly, any new action added to an existing entry within the Implementation plan will be noted and rationale added.

Completed actions from Appendix 2 are moved to Appendix 3 where possible, unless, for example, removal of an individual action in isolation would reduce visibility of a wider piece of work. Where actions are grey, these have been completed in a previous version of the plan, or at current version update, and as such moved to Appendix 3.

For clarity other written information forming a general narrative accompanying work streams within the Appendices and that forming the main body of the Plan may be adjusted from time to time, where appropriate the overarching reason for this adjustment will be noted at time of update.



Isle of Man Government

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