

Summary Jurisdiction and Miscellaneous Amendments Bill 2013
Third Reading approved

6.1. Mr Teare to move:

That the Summary Jurisdiction and Miscellaneous Amendments Bill 2013 be read the third time.

The Speaker: Item 6, Bill for Third Reading, the Summary Jurisdiction and Miscellaneous Amendments Bill, and I call on the mover, Mr Teare.

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Mr Teare: Thank you, Mr Speaker.

I had previously outlined that the Summary Jurisdiction and Miscellaneous Amendments Bill 2013 would streamline the fines collection process and improve certain court processes. The primary objectives of the Bill are to provide for: attachment of earnings orders; applications for deductions from benefit orders; plea before venue provisions; creation of fines etc register; extension of planning orders for drink-related offences; removal of need for the judge of appeal to be an English barrister and Queen's Counsel; permitting the First Deemster to act in the absence of the Second Deemster; removing the need for the court to order the forfeiture of a mobile phone used whilst driving; and other minor amendments.

The benefits arising from the Bill are as follows. The so-called 'plea before venue' clause is aimed to reduce unnecessary appearances in court and to reduce the preparation time for uncontested cases.

The Bill will allow attachment of earnings orders to be made at the time that the original sentence is handed down and will allow a court to vary, suspend or revoke an order or application, or substitute an alternative sentence or method of enforcement. It will be more efficient and encourage effective use of court resources.

The Bill will enable a criminal court to order payment of fines and other criminal financial penalties by deduction from defined Social Security benefits, including but not limited to Income Support.

The Bill provides for a fines etc register, which will allow details of fines defaulted to be published and make this information available to a credit reference agency, thus encouraging people to meet their financial obligations.

The Bill removes the requirement for the judge of appeal to be an English barrister and Queen's Counsel. It also provides that where the High Court Act 1991 refers to Deemsters, this expression means the First Deemster only whenever the Second Deemster is unavailable or the office of Second Deemster is vacant.

It moves the fines provisions of section 27(1) of the Criminal Law Act 1981 into the Criminal Jurisdiction Act 1993, where they sit more readily.

In respect of this, I gave an undertaking to the Hon. Member for South Douglas, Mrs Beecroft, during the clauses stages, to provide Hon. Members with clarification today in respect of clause 11. I was asked if it was correct that the court could order the whole term to be remitted. Mr Speaker, 'remitted', in this sense, follows the dictionary definition of 'to refrain from extracting a tax or penalty, for example'.

If an offender does not pay their fine, they can be required to spend time in prison instead. If the offender applies to the court for remission of the fine and the court agrees, the court will either remit the prison term proportionately, or if the court agrees to remit the whole fine, it follows that the court will also have to take away or remit the whole prison term to zero. In other words, the court would order the whole term to be remitted. I hope that this answers the Hon. Member's question.

Turning to other aspects of the Bill, the Bill amends the Licensing Act 1995 to extend the list of offences in respect of which the court may ban offenders from licensed premises or from purchasing alcohol, and enables the court to order a further ban if a banning order is breached. It also gives greater flexibility by enabling the Department of Home Affairs to prescribe by order other offences for which a court can make a banning order.

The Bill removes the requirement for a court to order the forfeiture of a mobile phone which has been used whilst driving. The person reporting the offence does not have power to seize the phone at the roadside, for... *[Inaudible]* real or practical implications, and it is not possible to make such an order several months after the offence was committed.

Mr Speaker, having now outlined the primary aims of the Bill and clarified the issue raised during the clauses stage, I beg to move that the Summary Jurisdiction and Miscellaneous Amendments Bill be read for a third time, sir.

The Speaker: Mr Houghton.

Mr Houghton: Thank you, Mr Speaker.

I am very happy to second this Bill. As the Minister has pointed out, it should assist in a number of ways: it will help to streamline procedures, it will save costs – and it will save costs, court time, time of the judiciary and time of advocates etc – and I think that alone, in addition to all the other areas that will be valued and effective in the Bill... if even that happens, that will be an enormous step forward, and I commend the Hon. Minister for bringing it forward to this House, sir. Thank you.

The Speaker: I put the question that the Summary Jurisdiction and Miscellaneous Amendments Bill be read for the third time. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.