

SAFE ACCESS ZONES AND PROTECTED PUBLIC PLACES BILL 2024

Explanatory Memorandum

1. This Bill is promoted by Dr Haywood MHK.
2. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.
3. Part 1 consists of *clauses 1* and *2*.
4. *Clause 1* provides for the short title of the Act.
5. *Clause 2* deals with the commencement of the Act.
6. Part 2 consists of *clauses 3* to *12* and deals with safe access zones.
7. *Clause 3* defines terms used in Part 2.
8. *Clause 4* explains what constitutes “protected services”.
9. *Clause 5* explains what constitutes “protected premises”.
10. *Clause 6* explains who qualifies as a “protected person”.
11. *Clause 7* sets out the form, and content, of an application for the designation of premises as protected premises. It also provides that when making a safe access zone order the Department of Health and Social Care must designate a safe access zone in respect of the protected premises.
12. *Clause 8* explains what constitutes, and delimits, a safe access zone.
13. *Clause 9* provides for the extension of a safe access zone.
14. *Clause 10* specifies offences under the Act and the penalties in respect of them.
15. *Clause 11* deals with the powers of a constable in respect of safe access zones and provides for associated offences and penalties.
16. *Clause 12* permits the Department to publish a safe access zone order (including an extended one) and to do so in a way it considers most likely to bring the existence of the zone to the attention of those most likely to be affected by it.
17. *Clause 13* requires the Department of Health and Social Care to maintain and publish a list of protected premises.
18. *Clause 14* provides for challenges to acts under Part 2 to be by way of Petition of Doleance.
19. Part 3 consists of *clauses 15* to *29* and deals with public space protection orders.
20. *Clause 15* specifies that the Department of Home Affairs as the relevant department for the purposes of Part 3.

21. *Clause 16* deals with the conditions that have to be satisfied in order for a public spaces protection order to be made. It also deals with the effects of such an order.
22. *Clause 17* deals with public space protection order restricting a public right of way over a highway.
23. *Clause 18* requires the Department of Home Affairs to consult the relevant local authority before making a public spaces protection order.
24. *Clause 19* deals with the duration of a public spaces protection order and publicity relating to such orders.
25. *Clause 20* enables the duration of a public spaces protection order to be extended and provides for publicity relating to such an extension.
26. *Clause 21* enables a public spaces protection order to be varied and provides for publicity relating to such a variation.
27. *Clause 22* enables a public spaces protection order to be revoked and provides for publicity relating to such a revocation.
28. *Clause 23* requires the Department of Home Affairs to maintain a register of public spaces protection orders.
29. *Clause 24* provides for the publication of that register.
30. *Clause 23* requires the Department of Home Affairs to maintain an annual record of public spaces protection orders and for that record to be laid before Tynwald.
31. *Clause 25* permits the Department to publish a public spaces protection order (including an extended one or varied one) and to do so in a way it considers most likely to bring the existence of the order to the attention of those most likely to be affected by it.
32. *Clause 26* enables an interested party to make an application to the High Court in respect of the making, extension, variation or revocation of a public spaces protection order. It also specifies the powers of the High Court in respect of such an application.
33. *Clause 27* makes failure to comply with a public spaces protection order an offence and provides the consequent penalty.
34. *Clause 28* deals with offences committed by a body corporate.
35. *Clause 29* enables a constable to issue a Fixed Penalty Notice in respect of a breach of Part 3.
36. Part 4 consists of *clauses 30 and 31*.
37. *Clause 30* provides that orders made under the Act may make necessary consequential, incidental, supplemental, transition and transitory provision.
38. *Clause 31* deals with Tynwald procedure for such orders.

39. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.



Ellan Vannin

SAFE ACCESS ZONES AND PROTECTED PUBLIC PLACES BILL 2024

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Ellan Vannin

SAFE ACCESS ZONES AND PROTECTED PUBLIC PLACES BILL 2024

- A BILL** to provide for the establishment of safe access zones and protected public places; to provide for their enforcement and offences in respect of them; to provide for challenges to them; and for connected purposes.

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows: —

PART 1 – OPENING PROVISIONS

1 Short title

The short title of this Act is the Safe Access Zones and Protected Public Places Act 2024.

2 Commencement

- (1) This Act commences on the day or days specified in an order made by the Department of Health and Social Care.
- (2) The Department of Health and Social Care must consult the Department of Home Affairs in respect of the commencement of Part 3 of this Act.
- (3) An order may specify that this Act commences on different days for different purposes.

PART 2 – SAFE ACCESS ZONE

3 Interpretation of this Part

- (1) In this Part —
 - “**the Department**” means the Department of Health and Social Care;
 - “**healthcare**” means all forms of healthcare provided for individuals whether relating to mental or physical health and includes related ancillary care;

1 “**innovative medical treatment**” means medical treatment for a condition that
2 involves a departure from the existing range of accepted medical
3 treatment for the condition for the purposes of medical research;

4 “**operator**” means in respect of —

- 5 (a) a National Health Service hospital under the *National Health*
6 *Service Act 2001*, Manx Care;
- 7 (b) any other premises, the owner, director or occupier (whether as a
8 lessee or licensee) of those premises or the person in charge of
9 providing protected services, in those premises;

10 “**premises**” means —

- 11 (a) a National Health Service hospital under the *National Health*
12 *Service Act 2001*; and
- 13 (b) any other premises,
14 from, or on, which the treatments or the information, advice or
15 counselling referred to in section 4 are provided;

16 “**public space**” means any place to which the public or any section of the public
17 has access, on payment or otherwise, as of right or by virtue of express or
18 implied permission;

19 “**record**” means, —

- 20 (a) to make a recording of sounds;
- 21 (b) to make a recording of moving images;
- 22 (c) to make a recording of moving images accompanied by a
23 recording of sounds; or
- 24 (d) to take a photograph,
25 regardless of the medium on which the recording is made or the method
26 by which the sounds or images are reproduced or produced;

27 “**regulated procedures**” means a procedure described in section 1 of the Animal
28 (Scientific Procedures) Act 1986 (of Parliament).

29 (2) In this Act a reference to “premises” is to be read, —

- 30 (a) as including the land on which the premises are situated; and
- 31 (b) in the case of premises which form part only of a building, the
32 whole building.

33 (3) For the purposes of this Act a person is attending protected premises if
34 the person is accessing or leaving, or trying to access or leave, those
35 premises.

Protected services, premises and persons

4 Protected services

Protected services are —

- (a) healthcare services;
- (b) medical research;
- (c) innovative medical treatments;
- (d) scientific research;
- (e) regulated procedures;
- (f) vaccination and inoculation services;
- (g) any other activity prescribed in regulations made by the Department; and
- (h) the provision of information, advice or counselling relating to any such services.

5 Protected Premises

[P2023/15/9 and drafting]

- (1) Protected premises are premises that satisfy conditions 1 and 2.
- (2) Condition 1 is that they are premises where a protected service —
 - (a) is provided (or proposed to be provided); or
 - (b) carried on,whether temporarily or otherwise.
- (3) Condition 2 is that, whether upon application or of its own volition, the Department has designated that the premises are to be protected premises.

6 Protected persons

A protected person is a person attending protected premises for the purposes of, —

- (a) accessing protected services provided there;
- (b) accompanying a person described in paragraph (a), at the invitation of that person; or
- (c) working in, or providing services to, protected premises.

*Safe access zones***7 Applications**

- (1) An application for the designation of premises as protected premises must be made to the Department.
- (2) An application must be made by the operator of the premises in question.
- (3) An application must —
 - (a) be in writing;
 - (b) specify —
 - (i) the location of the premises in question;
 - (ii) the protected services being provided, or which may be provided, at or from those premises;
 - (iii) the scope of the requested safe access zone; and
 - (c) be accompanied by a plan sufficient to identify those premises and the requested safe access zone.
- (4) An applicant may, in the application, include suggestions as to the form and extent of any publication of an order by the Department under section 12.
- (5) The Department may, by regulations, prescribe further information which is to be provided in an application.
- (6) The Department must consider and make a decision on the application within —
 - (a) 8 weeks of receiving the application; or
 - (b) such other period as it may, by regulations, prescribe.
- (7) Nothing in this section prevents the Department from designating, of its own volition, premises as protected premises.
- (8) Where the Department decides to designate premises as protected premises it must make an order designating a safe access zone in respect of them.
- (9) A safe access zone designated by the Department may be different to that requested in an application.
- (10) An order, —
 - (a) must specify the safe access zone designated in accordance with section 8; and
 - (b) need not specify or otherwise identify (directly or indirectly) the protected premises.

8 Establishment of a safe access zone

[P2023/15/9 and drafting]

The department may designate a safe access zone consisting of any of the following, —

- (a) an area within a radius of 100 metres from any part of the protected premises or an access point to any building or site that contains them;
- (b) an area delineated by reference to street or road names, named buildings or other named features (whether geographical or otherwise);
- (c) an area delineated by map co-ordinates or Ordinance Survey National Grid grid references; or
- (d) an area identified by reference to a combination of (a) to (c).

9 Extension of safe access zone

- (1) If the Department is of the opinion that the safe access zone applicable to any protected premises is not adequate to afford safe access to the premises for protected persons, it may by an order extend that zone.
- (2) Where the Department extends a zone under subsection (1) it must amend any entry in the list published by it under section 13 which relates to the premises.
- (3) If the operator of any protected premises is of the opinion that the safe access zone applicable to the premises operated by that operator is not adequate to afford safe access to those premises for protected persons, the operator may give notice in writing to the Department requesting that the zone to be extended by a distance or amount specified in that notice.
- (4) On receipt of a notice under subsection (3), the Department must, if it accepts that notice —
 - (a) by an order, extend that zone; and
 - (b) include an entry relating to the premises in question in the list maintained by it under section 13.

Offences and Enforcement

10 Offences

- (1) In this section, D means a person who is not a protected person.
- (2) It is an offence for D to do an act in a safe access zone with the intent of, or reckless as to whether it has the effect of (directly or indirectly) —
 - (a) interfering with a protected person (P); or
 - (b) otherwise causing harassment, alarm or distress to P,

in connection with P attending protected premises for a purpose mentioned in section 6.

(3) It is an offence for D to persistently, continuously or repeatedly occupy all or any part of a safe access zone.

(4) For the purposes of this section, D interferes with P if D —

- (a) seeks to influence P;
- (b) attempts to prevent P from accessing protected premises;
- (c) threatens P;
- (c) intimidates or harasses P;
- (d) advises or persuades (or tries to do either of those things);
- (e) informs or tries to inform P about protected services by any means (including, without limitation, graphic, physical, verbal or written means);
- (f) records P without P's consent;
- (g) publishes in any way, a recording of P without P's consent;
- (h) publishes in any way P's personal data without P's consent,

in connection with P attending protected premises for a purpose mentioned in section 6.

(5) Offences under this section are summary offences.

(6) The maximum penalty for a first offence under this section is —

- (a) 6 months' custody;
- (b) a level 4 standard scale fine; or
- (c) both.

(7) The maximum penalty for a second or subsequent offence under this section is —

- (a) 12 months' custody;
- (b) a level 5 standard scale fine; or
- (c) both.

(8) Nothing in this section applies to —

- (a) anything done in the lawful course of providing, or facilitating the provision of, protected services;
- (b) the operation of recording equipment if —
 - (i) its coverage of persons accessing or trying to access protected premises is incidental; and
 - (ii) the equipment or the recording is not used for any of the purposes mentioned in subsection (2);
- (c) a constable acting in the course of their duty.

11 Enforcement of safe access zone by a constable

- (1) Where a constable has reasonable grounds to believe that a person has committed, is committing, or is about to commit an offence under this Act, the constable may, —
 - (a) direct the person to leave a safe access zone;
 - (b) remove the person from a safe access zone.
- (2) Where a constable has reasonable grounds to believe that a person has committed, is committing, or is about to commit an offence under section 10(4)(f), the constable may direct the person to stop recording.
- (3) A constable exercising the power in subsection (1)(b) may use reasonable force in the exercise of the power.
- (4) A person who fails to comply with a direction under subsection (1)(a) or (2), or who resists being removed under subsection (1)(b), commits an offence.

Maximum penalty (summary) —

- (a) in the case of a first offence under this section —
 - (i) custody for a term not exceeding 6 months' custody;
 - (ii) a level 4 standard scale fine; or
 - (iii) both;
- (b) in the case of a second or subsequent offence under this section —
 - (i) 12 months' custody;
 - (ii) a level 5 standard scale fine; or
 - (iii) both.

Publication and Monitoring etc.

12 Publication: orders

- (1) The Department may publish an order made under section 7 and, where such an order is extended under section 9, the order as extended.
- (2) Where the Department does publish in accordance with subsection (1), it may do so in such a way as it considers will best bring the order (including an extended order) to the attention of those most likely to be affected by it.

13 Publication: list of safe access zones

- (1) The Department must compile and maintain a list of safe access zones.
- (2) That list must be a list of all premises which are for the time being protected premises for the purposes of this Act, together with an

indication of the extent of the safe access zone established for the premises.

(3) The Department must publish the list in such a way as appears to the Department to be appropriate to —

- (a) maintain the anonymity of any protected premises;
- (b) bring the existence and extent of a safe access zone to the attention of members of the public likely to be affected by it.

(4) The Department must ensure (so far as its powers extend) that appropriate steps are taken by an operator of protected premises for bringing the existence and extent of the safe access zone for those premises to the attention of members of the public likely to be affected by it.

14 Challenges

A decision to —

- (a) designate premises as protected premises;
- (b) designate a safety zone for such premises;
- (c) extend a safety access zone,

may be challenged by way of a dolence claim.

PART 3 – PUBLIC SPACES PROTECTION ORDERS

15 Meaning of “Department”

In this Part, “the Department” means the Department of Home Affairs.

16 Power to make public space protection orders

[P2014/12/59]

(1) The Department may make a public spaces protection order if satisfied on reasonable grounds that two conditions are met.

(2) The first condition is that —

- (a) activities carried on in a public place have had a detrimental effect on the quality of life of those in that place; or
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

(3) The second condition is that the effect, or likely effect, of the activities, —

- (a) is, or is likely to be, of a persistent or continuing nature;
- (b) is, or is likely to be, such as to make the activities unreasonable; and
- (c) justifies the restrictions imposed by the order.

- 1 (4) A public spaces protection order must specify the public place referred to
2 in subsection (2) (“the restricted area”) and in respect of the restricted
3 area —
- 4 (a) prohibit specified things being done in that area (for example,
5 drinking alcohol, using foul and abusive language, acting in an
6 intimidating manner);
- 7 (b) require specified things to be done by persons carrying on
8 specified activities in that area (for example, removing litter and
9 waste after public or private events); or
- 10 (c) do both of those things.
- 11 (5) The only prohibitions or requirements that may be imposed are ones that
12 are reasonable to impose in order, —
- 13 (a) to prevent the detrimental effect referred to in subsection (2) from
14 continuing, occurring or recurring; or
- 15 (b) to reduce that detrimental effect or to reduce the risk of its
16 continuance, occurrence or recurrence.
- 17 (6) A prohibition or requirement may be framed, —
- 18 (a) so as to apply to —
- 19 (i) all persons;
- 20 (ii) only specified persons;
- 21 (iii) all persons except specified persons;
- 22 (iv) only to persons in specified categories; or
- 23 (v) all persons except those in specified categories;
- 24 (b) so as to apply at all times, or only at specified times, or at all times
25 except those specified;
- 26 (c) so as to apply in all circumstances, or only in specified
27 circumstances, or in all circumstances except those specified.
- 28 (7) A prohibition or requirement may be framed so as to apply to any one or
29 more of the matters referred to in subsection (5).
- 30 (8) A public spaces protection order must, —
- 31 (a) identify the activities referred to in subsection (2);
- 32 (b) identify the restricted area; and
- 33 (c) specify the period for which it has effect.
- 34 (9) The Department must —
- 35 (a) publish a public spaces protection order on www.gov.im (or any
36 successor to that site); and
- 37 (b) cause to be erected on or adjacent to the public place to which the
38 order relates such notice (or notices) as it considers sufficient to

draw the attention of any member of the public using that place to —

- (i) the fact that the order has been made; and
- (ii) the effect of the order being made.

17 Orders restricting public right of way over highway

[P2014/12/64]

- (1) The Department may not make a public spaces protection order that restricts the public right of way over a highway without considering, —
 - (a) the likely effect of making the order on the occupiers of premises adjoining or adjacent to the highway;
 - (b) the likely effect of making the order on other persons in the locality;
 - (c) in a case where the highway constitutes a through route, the availability of a reasonably convenient alternative route.
- (2) Before making a public spaces protection order that restricts the public right of way over a highway, the Department must take the prior consultation steps.
- (3) To take the “prior consultation steps” in relation to an order means to, —
 - (a) notify potentially affected persons of the proposed order;
 - (b) inform those persons how they can see a copy of the proposed order;
 - (c) notify those persons of the period within which they may make representations about the proposed order; and
 - (d) consider any representations made.
- (4) Before the Department makes a public spaces protection order restricting the public right of way over a highway it must consult the local authority where the right of way is situated.
- (5) A public spaces protection order may not restrict the public right of way over a highway for the occupiers of premises adjoining or adjacent to the highway.
- (6) A public spaces protection order may not restrict the public right of way over a highway that is the only or principal means of access to a dwelling.
- (7) In relation to a highway that is the only or principal means of access to premises used for business or recreational purposes, a public spaces protection order may not restrict the public right of way over the highway during periods when the premises are normally used for those purposes.

18 Consultation

- (1) A public spaces protection order may be made by the Department of its own volition or by the Department on the written application of the Chief Constable, another Department or Statutory Board.
- (2) Before making an application for a public spaces protection order, an applicant who is not the Chief Constable must consult the Chief Constable.
- (3) Before making a public spaces protection order of its own volition the Department must consult the Chief Constable.
- (4) Before making a public spaces protection order the Department must consult the local authority for the area in which the public space which is to be the subject of the proposed order falls.
- (5) Despite subsection (4), the Department may make a public spaces protection order without complying with that subsection where it considers that compliance with it would be likely to cause unreasonable delay and such a delay would be likely to have a detriment effect on the inhabitants of the public space in question.
- (6) Where subsection (5) applies, the Department must as soon as reasonably practicable inform the local authority concerned of the making of the order.

19 Duration of public spaces protection orders

[P2014/12/60]

- (1) A public spaces protection order must specify the duration of the order.
- (2) A public spaces protection order may have effect for up to 3 years.
- (3) Department must —
 - (a) publish a public spaces protection order made under this section on www.gov.im (or any successor to that site); and
 - (b) cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to —
 - (i) the fact that the order has been made; and
 - (ii) the effect of the order being made.

20 Extension of Duration

[P2014/12/60]

- (1) The Department may, by an order, extend the duration of a public spaces protection order.

- (2) Before the time when a public spaces protection order is due to expire, the Department may extend the period for which it has effect if satisfied on reasonable grounds that doing so is necessary to prevent, —
- (a) occurrence or recurrence after that time of the activities identified in the order; or
- (b) an increase in the frequency or seriousness of those activities after that time.
- (3) An extension under this section may not be for a period of more than 3 years beginning with date of extension.
- (4) The Department must —
- (a) publish an extended public spaces protection order on www.gov.im (or any successor to that site) clearly showing the scope of the extension; and
- (b) cause to be erected on or adjacent to the public place to which the extended order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to —
- (i) the fact that the order has been extended; and
- (ii) the effect of the order being extended.
- (5) A public spaces protection order may be extended under this section more than once.

21 Variation of public spaces protection orders

[P2014/12/61]

- (1) The Department may vary a public spaces protection order by doing any one or more of the following, —
- (a) by increasing or reducing the restricted area;
- (b) by altering or removing a prohibition or requirement included in the order;
- (c) by adding a new prohibition or requirement.
- (2) The Department may make a variation under subsection (1)(a) that results in the order applying to an area to which it did not previously apply only if the conditions in section 16(2) and (3) are met as regards activities in that area.
- (3) The Department may make a variation under subsection (1)(b) that makes a prohibition or requirement more extensive only if the prohibitions and requirements imposed by the order as varied are ones that section 16(5) allows to be imposed.
- (4) The Department may make an addition to the order under subsection (1)(c) only if the prohibitions and requirements imposed are ones that section 16(5) allows to be imposed.

- (5) The Department must —
- (a) publish a varied public spaces protection order on www.gov.im (or any successor to that site) clearly showing the variation; and
 - (b) cause to be erected on or adjacent to the public space to which the varied order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using that place to —
 - (i) the fact that the order has been varied; and
 - (ii) the effect of the order being varied.

22 Revocation of public space protection orders

[P2014/12/61]

- (1) The Department may revoke a public spaces protection order at any time.
- (2) Where the Department revokes a public spaces protection order it must —
 - (a) publish a notice identifying the order and stating the date when it ceases to have effect on www.gov.im (or any successor to that site); and
 - (b) cause to be erected on or adjacent to the public place to which the order applied such notice (or notices) as it considers sufficient to draw the attention of any member of the public using or intending to use that place to —
 - (i) the fact that the order has been revoked; and
 - (ii) the effect of it being revoked.

Registers, Publication and Monitoring etc.

23 Register of public space protection orders

- (1) The Department must compile and maintain a register of public spaces protection orders.
- (2) That register must contain details of all public spaces protection orders in effect and the restricted areas to which they apply.

24 Publication of register

The Department must publish the register referred to in section 23, —

- (a) on www.gov.im (or any successor to that site); and
- (b) in other such way as appears to it to be appropriate to bring the existence and extent of public spaces protection orders to the attention of members of the public likely to be affected by them.

25 Publication: protected public spaces orders

- (1) The Department may publish an order made under this Part and, where such an order is extended or varied, the order as extended or varied.
- (2) Where the Department does publish in accordance with subsection (1), it may do so in such a way as it considers will best bring the order (including an extended order) to the attention of those most likely to be affected by it.

26 Applications to the court

A decision to —

- (a) make a public spaces protection order;
 - (b) extend, vary or revoke a public spaces protection order,
- may be challenged by way of judicial review by Petition of Doleance.

27 Offence of failing to comply with order

[P2014/12/67]

- (1) It is an offence for a person without reasonable excuse, —
 - (a) to do anything that the person is prohibited from doing by a public spaces protection order; or
 - (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) Offences referred to in subsection (1) are summary offences.
- (3) The maximum penalty for a first offence under this Part is, —
 - (a) 6 months' custody;
 - (b) a level 4 standard scale fine; or
 - (c) both.
- (4) The maximum penalty for a second or subsequent offence under this Part is, —
 - (a) 12 months' custody;
 - (b) a level 5 standard scale fine; or
 - (c) both.
- (5) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the Department did not have the power to include in a public space protection order.

28 Offences by body corporate

- (1) If an offence under this Part committed by a body corporate is shown, —

- (a) to have been committed with the consent or connivance of an officer, or
 - (b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body.
- (3) If an offence under this Part committed by a partnership is shown, —
 - (a) to have been committed with the consent or connivance of a partner, or
 - (b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.
- (4) In subsection (3) "partner" includes a person purporting to act as a partner.
- (5) "Officer", in relation to a body corporate, means, —
 - (a) a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity; and
 - (b) an individual who is a controller of the body.
- (6) If an offence under this Part committed by an unincorporated association (other than a partnership) is shown, —
 - (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
 - (b) to be attributable to any neglect on the part of such an officer or member,

that officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

29 Fixed penalty notices

[P2014/12/68]

- (1) A constable may issue a fixed penalty notice to anyone the constable has reason to believe has committed an offence under this Part.
- (2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Department.
- (3) Where a person is issued with a notice under this section in respect of an offence, —

- (a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must, —
 - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
 - (b) state the period during which (because of subsection (3)(a)) proceedings will not be taken for the offence;
 - (c) specify the amount of the fixed penalty;
 - (d) state the name and address of the person to whom the fixed penalty may be paid; and
 - (e) specify permissible methods of payment.
- (5) An amount specified under subsection (4)(c) must not be more than £100.
- (6) A fixed penalty notice may specify two amounts under subsection (4)(c) and specify that, if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.
- (7) Whatever other method may be specified under subsection (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under subsection(4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (8) Where a letter is sent as mentioned in subsection (7), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (9) In any proceedings, a certificate that, —
 - (a) purports to be signed by or on behalf of the Department; and
 - (b) states that payment of a fixed penalty was, or was not, received by the dated specified in the certificate,
 is evidence of the facts stated.
- (10) Amounts paid under a fixed penalty notice under this section shall be paid into the General Revenue of the Island.

PART 4 - CLOSING MATTERS

30 Orders and regulations

- (1) An order under section 2 may include such consequential, incidental, supplementary, transitional and transitory provision as the Department of Health and Social Care, having consulted the Department for Home

- 1 Affairs in respect of such matters affecting Part 4, considers necessary or
2 expedient.
- 3 (2) An order under Part 2 of this Act may include such consequential,
4 incidental, supplementary, transitional and transitory provision as the
5 Department of Health and Social Care considers necessary or expedient.
- 6 (3) An order under Part 3 of this Act may include such consequential,
7 incidental, supplementary, transitional and transitory provision as the
8 Department for Home Affairs considers necessary or expedient.

9 **31 Tynwald procedure**

- 10 (1) An order under section 2 is subject to section 34 of the Legislation
11 Act 2015 (laying only).
- 12 (2) An order under Part 2 of this Act is subject to section 32 of the
13 Legislation Act 2015 (“negative”).
- 14 (3) An order under Part 3 of this Act is subject to section 32 of the *Legislation*
15 *Act 2015* (“negative”).

IN THE KEYS

**SAFE ACCESS ZONES AND PROTECTED PUBLIC
PLACES BILL 2024**

A BILL to provide for the establishment of safe access zones and protected public places; to provide for their enforcement and offences in respect of them; to provide for challenges to them; and for connected purposes.

Introduced pursuant to leave granted
by the Keys under Standing Order 4.4
on 13 June 2023

DR HAYWOOD

JULY 2024