



CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY IN THE ISLE OF MAN: MEASURES, RIGHTS, PROCEDURE, PARTICIPATION

**National Report for AIMJF's Comparative and Collaborative Research.**

Niños por debajo de la edad de responsabilidad penal en la Isla de Man: medidas, derechos, procedimiento, participación

*Informe nacional para la investigación comparativa y colaborativa de la AIMJF*

Enfants n'ayant pas atteint l'âge de la responsabilité pénale à l'Île de Man: mesures, droits, procédure, participation

*Rapport national pour la recherche comparative et collaborative de l'AIMJF*

Judiciary of the Isle of Man

**Abstract:** The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IAYFJM) on children below the age of criminal responsibility. The article explains the applicable measures and the procedure adopted, the child's rights and his or her participation in the Protective and Justice System in the Isle of Man.

**Resumen:** El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre niños por debajo de la edad de responsabilidad penal. El artículo explica las medidas aplicables, el procedimiento adoptado, los derechos del niño y su participación en el sistema de protección y de justicia a l'Île de Man

**Résumé:** Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur les enfants n'ayant pas atteint l'âge de la responsabilité pénale. L'article explique les mesures passibles d'application et la procédure adoptée, les droits des enfants et leur participation dans le système de protection et de justice en la Isla de Man.

**Introduction**

The Chronicle – AIMJF's Journal on Justice and Children's Rights I/2025

ISSN 2414-6153

<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

Serving Judicial Officers in the Commonwealth since 1970



The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts to establish links between judges from different countries, promoting transnational judicial dialogue, in order to provide better conditions for a qualified attention to children based in a human rights approach.

To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of measures, procedure, rights and participation of children below the minimum age of criminal responsibility.

This national report is based on a questionnaire prepared by AIMJF.

## QUESTIONNAIRE:

### 1. general information

1.1. What is the minimum age of criminal responsibility in your country (the **age of criminal responsibility** is the age below which a child is deemed incapable of having committed a criminal offence, it can also be referred as age of accountability, **age of responsibility**, and **age of liability for children and it is different of the age when a person becomes an adult**)?

**Answer:** The age of criminal responsibility in the Isle of Man is 10 years of age pursuant to Section 70 of the Children and Young Persons Act 2001.

The Chronicle – AIMJF’s Journal on Justice and Children’s Rights I/2025  
ISSN 2414-6153  
<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION  
Serving Judicial Officers in the Commonwealth since 1970



1.2. Is there more than one minimum age of criminal responsibility? Which one? Is it possible to apply the ‘doli incapax rule’ in your country (possibility of demonstration that the child is sufficiently mature and capable to understand that the behavior was an offense and therefore could be criminally responsible)?

**Answer:** There is only one minimum age of criminal responsibility, that being 10 years of age and above.

The Isle of Man does not apply the doli incapax rule to any child of 10 or above years of age.

## 2. age assessment

2.1. In case of application of the ‘doli incapax rule’, how is this assessment made? Is there a specific methodology for this evaluation? A protocol on how to evaluate? Who assesses the child? Is the child heard in this procedure? Does the child have legal assistance in this situation? Is it possible for the child to challenge the conclusions of this assessment?

**Answer:** Not applicable.

2.2. In case of necessity of age assessment (due to a lack of birth registration), how is this assessment made? Is there a procedure? Is the child heard in this procedure? Does the child have legal assistance in this situation? Is it possible for the child to challenge the conclusions of this assessment?

**Answer:** An assessment is made by the court holding an inquiry and hearing any relevant evidence on the point. The court will then determine the age of the individual and make an order to that effect. The child can be heard in this procedure and can benefit from legal assistance and Legal Aid.

The procedure is governed by Section 107 of the Children and Young Persons Act 1966.

It is possible for the child to appeal the conclusions of the court’s assessment.

The Chronicle – AIMJF’s Journal on Justice and Children’s Rights I/2025  
ISSN 2414-6153  
<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION  
Serving Judicial Officers in the Commonwealth since 1970



### 3. police intervention

3.1. In case a child under the minimum age of criminal responsibility commits an act considered as a crime, is he/she brought to a police station? Is it mandatory to do so? If not, in which situations is it necessary to be brought to the police station?

**Answer:** Dependent on the offence alleged to have been committed, the child may be brought to a police station. Such is not mandatory and would depend on the offence. The more serious an offence the more necessary it is to bring a child to the police station.

3.2. In case the child is brought to the police station, what is expected from the police to do? What are the legal guarantees for the child in this context? Is it possible, in any circumstance, that the child be imprisoned, even for a very short time? In this case, how long is it possible for the child to be deprived of liberty?

**Answer:** The police have a 'Police Early Action Team' who will work with the juveniles and their family (if applicable) to deter their behaviour and work with them to do so. The child at no point will be imprisoned, arrested, nor will they have their liberty deprived.

### 4. measures

4.1. In case a child below the minimum age of criminal responsibility has committed an act considered as a crime, is it possible to impose any kind of measure? Which one?

**Answer:** Yes, it is possible for the state to commence proceedings for a care or supervision order if the behaviour was such as to give rise to a significant risk of harm to the child, or it demonstrated that the child was beyond parental control.

4.2. Is it possible to impose an out-of-home placement (such as alternative care, in institution or foster family; in health facilities, for instance)? in which circumstances? For how long?

**Answer:** It is possible to impose an out-of-home placement.

If the court have reasonable grounds to believe that the 'threshold criteria' contained within Section 31 of the Children and Young Persons Act 2001, that being that; the child is suffering, or likely to suffer,

The Chronicle – AIMJF's Journal on Justice and Children's Rights 1/2025

ISSN 2414-6153

<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

Serving Judicial Officers in the Commonwealth since 1970



significant harm; and that the harm is or will be attributable to the care given to the child, or likely to be given to him if the care order were not made, not being what it would be reasonable to expect a parent to give to him; or the child being beyond parental control are met, then an order can be made.

The state may apply for a Care Order or a Supervision Order pursuant to that section of the Act. A Care Order or Supervision Order can be for any period of time up until the child is 18.

The state may make an Interim Care or Supervision Order pursuant to Section 35 of the same Act on condition that the 'threshold criteria' contained in Section 31 of the Act remain met. An interim order can last for 8 weeks; however, a specific interim order court is held every 4 weeks.

If an interim or full care/supervision order is granted, then the child can be placed in a setting ordered by the court having heard evidence on the application by the state.

Under s.25 of the Act a child can be voluntarily signed into the care of the state. A parent can sign 'in or out' of the child being in care at any point.

## 5. procedure

### 5.1. Who imposes such measures?

**Answer:** The court or the child can be voluntarily signed into the care of the state.

### 5.2. Is there a legal procedure for the determination of these measures? What is the nature of these procedures? Can you describe it shortly?

**Answer:** There is a legal procedure as detailed above.

### 5.3. Is it possible to adopt alternative resolution mechanisms in these situations, such as mediation or restorative justice?

**Answer:** Whilst there is no formal process for mediation or restorative justice, the procedure under s25 of the Act is often used where there have

The Chronicle – AIMJF's Journal on Justice and Children's Rights 1/2025

ISSN 2414-6153

<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

Serving Judicial Officers in the Commonwealth since 1970



been discussions between social services and parents/guardians, and in many ways is used in practice in situations that are similar to mediation.

#### 6. assessment

6.1. Is there any kind of assessment of the child for the imposition of such measures (on vulnerabilities, risk, rights violations)? Who assesses the child? Is there a protocol or guideline on how to assess the child? Can you please share it?

**Answer:** Yes, the child is assessed by the state and their social worker as to suitability and what is in the best interests of the child.

The court do not possess the protocol or guidelines on how to assess the child, that is retained by the state.

#### 7. legal and procedural guarantees

7.1. What are the rights of the child in this procedure (legal and procedural guarantees)?

**Answer:** The child is represented by a guardian ad litem, usually a social worker, and the guardian also benefits from legal representation.

7.2. Does the child have the right to refuse any of these measures? Or to challenge in court any of these measures?

**Answer:** Yes, the child can refuse the measures and challenge them in court through their guardian ad litem, or themselves.

7.3. What happens if the child does not fulfill the obligations inherent to these measures?

**Answer:** If the order imposed by the court is no longer workable for any reason, then any person who has parental responsibility for the child, the child themselves or the state can make an application to the court for variation/revocation of the order pursuant to Section 27 of the Children and Young Persons Act 2001.

If a young person e.g. is beyond control in the setting they are placed into then they can be housed in 'secure accommodation' which restricts their liberty and privileges pursuant to Section 25 of the Act.

The Chronicle – AIMJF's Journal on Justice and Children's Rights 1/2025

ISSN 2414-6153

<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

Serving Judicial Officers in the Commonwealth since 1970



## 8. the role of the justice system

8.1. Is it possible in your country that the justice system gets involved in these situations? In which situation (vg. to impose the measure or to review it, in case of resistance by the child or his/her family, or to impose some child protection order)? For what purpose? Which branch of the justice system is involved (youth court, family court, child protection court, criminal court...)?

**Answer:** If the state makes an application to vary the order then the court will hear the application

8.2.. In case of involvement of the justice system, can you briefly describe the procedure?

**Answer:** An application may be made to the court by either the state or a parent, or the child himself, to vary or revoke any order imposed upon the child (except for an adoption order). The court would deal with the application in a similar manner to any application received for the making of an order, and determine whether on the evidence now available, the threshold criteria remains.

8.3.. What are the rights of the child in this procedure? Does the child have the right to legal assistance? The right to appeal against any kind of decision?

**Answer:** A guardian ad litem would be appointed for the child, who would be legally represented. Any order made (or refusal to make an order) can be subject to an appeal.

## 9. assistance or support

9.1. Besides the measures imposed to children, are there other kind of assistance available on a voluntary basis (social, psychological, medical)?

**Answer:** Assistance is available through the social services and health services provided by the state.

## 10. child participation

10.1. Is the child heard in this procedure? By whom? At which stage of the procedure?

The Chronicle – AIMJF's Journal on Justice and Children's Rights I/2025

ISSN 2414-6153

<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

Serving Judicial Officers in the Commonwealth since 1970



**Answer:** The guardian ad litem has the responsibility of ascertaining the views of the child and presenting those to the court at all stages of the process. The court can, although rarely does, also hear directly from the child.

10.2. Is the child heard more than once in this procedure? How many times?

**Answer:** Yes, the guardian ad litem will present the views of the child at each stage of the procedure.

10.3. Is there a protocol or guideline on how to hear the child in this situation? Can you please share it?

**Answer:** There is no protocol as such. The guardian ad litem is appointed to ensure that the voice of the child is heard by the court.

## 11. legal implications

11.1. Is there any record of legal infringement committed by children below the age of criminal responsibility? When the child reaches the age of criminal responsibility, are these records taken into consideration?

**Answer:** Any involvement of the 'Police Early Action Team' is not recorded on previous convictions/cautions register of the child. The prosecution may, if they wish, bring this to the attention of the court, however, this is discretionary. Any involvement of PEAT is taken into account but will vary on the level of consideration given based on the age of the alleged 'offence'.

11.2. In case of damages, what kind of rights and remedies does the victim have regarding the child and the family? Besides financial reparation, does the victim have the possibility to have a say on the measures applied to the child?

**Answer:** A victim of a crime may, if they wish, make a Victim Impact Statement, which will be read out in court and will be considered on sentence, however, it is not determinative.

## 12. reforms in progress

12.1. Are there ongoing reforms on this subject?

The Chronicle – AIMJF's Journal on Justice and Children's Rights 1/2025

ISSN 2414-6153

<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION

Serving Judicial Officers in the Commonwealth since 1970



**Answer:** Yes. It is hoped that there will be an increase in sentencing options for juvenile offenders to include electronic tagging. Similarly, the age at which the court determines a person to be an adult will increase to 18 years of age from 17.

The Chronicle – AIMJF’s Journal on Justice and Children’s Rights I/2025  
ISSN 2414-6153  
<https://chronicle.aimjf.info/>

With networking support of



COMMONWEALTH MAGISTRATES' AND JUDGES' ASSOCIATION  
Serving Judicial Officers in the Commonwealth since 1970