

1983 No. 1314

PRISONS

**The Transfer of Offenders (Designation of
Equivalent Sentences) Order 1983**

Made - - - - - 30th August 1983

Coming into Operation 26th September 1983

In exercise of the powers conferred upon me by section 38(6) of the Criminal Justice Act 1961(a), I hereby make the following Order:—

1. This Order may be cited as the Transfer of Offenders (Designation of Equivalent Sentences) Order 1983 and shall come into operation on 26th September 1983.

2. For the purposes of the Criminal Justice Act 1961 and of any enactment referred to in Part III of that Act (which relates to the transfer, supervision and recall of prisoners within the British Islands)—

- (a) a description of sentence which a court with jurisdiction in one part of the United Kingdom or in the Channel Islands or the Isle of Man may pass specified in column 1 of the table set out in Schedule 1 to this Order is hereby designated as equivalent to such descriptions of sentence which a court with jurisdiction elsewhere in the United Kingdom or in those Islands may pass as are specified in the entry corresponding thereto in column 2 of the said table; and
- (b) a description of sentence which a court with jurisdiction in one part of the United Kingdom or in the Channel Islands or the Isle of Man may pass specified in Part I of Schedule 2 to this Order is hereby designated as equivalent to any other description of sentence which a court with jurisdiction elsewhere in the United Kingdom or those Islands may pass specified in the said Part I; and a description of such sentence specified in Part II of the said Schedule is hereby designated as equivalent to any other description of such sentence specified in the said Part II, for the like term.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
30th August 1983.

(a) 1961 c. 39; subsection (6) of section 38 was inserted by the Criminal Justice Act 1982 (c. 48), Schedule 14, paragraph 15(b).

SCHEDULE 1

Article 2(a)

EQUIVALENT SENTENCES—GENERAL

PART I

Column 1 Description of sentence which may be passed in England and Wales.	Column 2 Equivalent sentence which may be passed elsewhere in the United Kingdom, the Channel Islands or the Isle of Man.
Imprisonment for life.	Imprisonment for life.
Imprisonment for a determinate period.	Imprisonment for the like term.
Custody for life under section 8 of the Criminal Justice Act 1982.	<p>In Scotland—</p> <p>(a) in the case of a person aged less than 18 when sentenced, detention without limit of time under section 205(2) of the Criminal Procedure (Scotland) Act 1975(a); and</p> <p>(b) in the case of a person aged 18 or over when sentenced, detention for life under section 205(3) of that Act.</p> <p>In Northern Ireland, the Channel Islands or the Isle of Man, imprisonment for life.</p>
Youth custody sentence under section 6 of the Criminal Justice Act 1982.	<p>In Scotland—</p> <p>(a) in the case of a person aged less than 16 when sentenced, detention under section 206(1) of the Criminal Procedure (Scotland) Act 1975(b) for the like term; and</p> <p>(b) in the case of a person aged 16 or over when sentenced, detention in a young offenders institution under section 208(3) of that Act for the like term.</p> <p>In Northern Ireland—</p> <p>(a) in the case of a sentence for a term of 3 years or more, imprisonment for the like term; and</p> <p>(b) in the case of a sentence for a term of less than 3 years, detention in a young offenders centre for the like term.</p> <p>In the Channel Islands or the Isle of Man, imprisonment for the like term.</p>

(a) 1975 c. 21; section 205 was substituted by section 43 of the Criminal Justice (Scotland) Act 1980 (c. 62).

(b) Section 206(1) was substituted by section 44 of the Criminal Justice (Scotland) Act 1980.

SCHEDULE 1—PART I—(continued)

Column 1 Description of sentence which may be passed in England and Wales.	Column 2 Equivalent sentence which may be passed elsewhere in the United Kingdom, the Channel Islands or the Isle of Man.
Detention centre order under section 4 of the Criminal Justice Act 1982.	<p>In Scotland—</p> <p>(a) in the case of a person aged less than 16 when sentenced, detention under section 206(1) of the Criminal Procedure (Scotland) Act 1975 for the like term; and</p> <p>(b) in the case of a person aged 16 or over when sentenced—</p> <p>(i) in the case of a sentence for a term exceeding 3 months, detention in a young offenders institution under section 208(3) of that Act for the like term; and</p> <p>(ii) in the case of a sentence for a term not exceeding 3 months, detention in a detention centre for the like term.</p> <p>In Northern Ireland, detention in a young offenders centre for the like term.</p> <p>In Jersey, detention in a young offenders centre for the like term.</p>

PART II

Column 1 Description of sentence which may be passed in Scotland.	Column 2 Equivalent sentence which may be passed elsewhere in the United Kingdom, the Channel Islands or the Isle of Man.
Imprisonment for life.	Imprisonment for life.
Imprisonment for a determinate period.	Imprisonment for the like term.
Detention for life under section 205(3) of the Criminal Procedure (Scotland) Act 1975.	In England and Wales, custody for life under section 8(1) of the Criminal Justice Act 1982. In Northern Ireland, the Channel Islands or the Isle of Man, imprisonment for life.
Detention in a young offenders institution under section 208(3) of the Criminal Procedure (Scotland) Act 1975.	In England and Wales— (a) in the case of a sentence for a life term, custody for life under section 8(2) of the Criminal Justice Act 1982; and (b) in the case of a sentence for a determinate period, a youth custody sentence under section 6 of the Criminal Justice Act 1982 for the like term. In Northern Ireland— (a) in the case of a sentence for a life term, imprisonment for life; (b) in the case of a sentence for a determinate period of 3 years or more, imprisonment for the like term; and (c) in the case of a sentence for a term of less than 3 years, detention in a young offenders centre for the like term. In the Channel Islands or the Isle of Man, imprisonment for the like term.
Borstal training.	In England and Wales, a youth custody sentence under section 6 of the Criminal Justice Act 1982 for a term of 12 months. In Northern Ireland, detention in a young offenders centre for a term of 2 years. In the Channel Islands or the Isle of Man, imprisonment for a term of 12 months.
Detention in a detention centre.	In England and Wales, a detention centre order under section 4 of the Criminal Justice Act 1982 for the like term. In Northern Ireland, detention in a young offenders centre for the like term. In Jersey, detention in a young offenders centre for the like term.

PART III

Column 1 Description of sentence which may be passed in Northern Ireland.	Column 2 Equivalent sentence which may be passed elsewhere in the United Kingdom, the Channel Islands or the Isle of Man.
Imprisonment for life.	<p>In England and Wales— <i>(a)</i> in the case of a person aged 21 or over when sentenced, imprisonment for life; and <i>(b)</i> in the case of a person aged not less than 18 but under 21 when sentenced, custody for life under section 8 of the Criminal Justice Act 1982.</p> <p>In Scotland— <i>(a)</i> in the case of a person aged 21 or over when sentenced, imprisonment for life; and <i>(b)</i> in the case of a person aged not less than 18 but under 21 when sentenced, detention for life under section 205(3) of the Criminal Procedure (Scotland) Act 1975.</p> <p>In the Channel Islands or the Isle of Man, imprisonment for life.</p>
Imprisonment for a determinate period.	<p>In England and Wales— <i>(a)</i> in the case of a person aged 21 or over when sentenced, imprisonment for the like term; and <i>(b)</i> in the case of a person aged not less than 15 but under 21 when sentenced, a youth custody sentence under section 6 of the Criminal Justice Act 1982 for the like term.</p> <p>In Scotland— <i>(a)</i> in the case of a person aged 21 or over when sentenced, imprisonment for the like term; <i>(b)</i> in the case of a person aged not less than 16 but under 21 when sentenced, detention in a young offenders institution under section 208(3) of the Criminal Procedure (Scotland) Act 1975 for the like term; and <i>(c)</i> in the case of a person aged less than 16 when sentenced, detention under section 206(1) of that Act for the like term.</p> <p>In the Channel Islands or the Isle of Man, imprisonment for the like term.</p>

SCHEDULE 1—PART III—(continued)

Column 1 Description of sentence which may be passed in Northern Ireland.	Column 2 Equivalent sentence which may be passed elsewhere in the United Kingdom, the Channel Islands or the Isle of Man.
Detention in a young offenders centre.	In England and Wales— (a) in the case of a sentence for a term of not more than 4 months imposed on a male offender, a detention centre order under section 4 of the Criminal Justice Act 1982 for the like term; and (b) in the case of any sentence imposed on a female offender or a sentence for a term of more than 4 months imposed on a male offender, a youth custody sentence under section 6 of that Act for the like term. In Scotland, detention in a young offenders institution under section 208(3) of the Criminal Procedure (Scotland) Act 1975 for the like term. In the Channel Islands or the Isle of Man, imprisonment for the like term.

PART IV

Column 1 Description of sentence which may be passed in the Channel Islands or the Isle of Man.	Column 2 Equivalent sentence which may be passed in the United Kingdom.
Imprisonment for life.	<p>In England and Wales—</p> <p>(a) in the case of a person aged 21 or over when sentenced, imprisonment for life; and</p> <p>(b) in the case of a person aged not less than 17 but under 21 when sentenced, custody for life under section 8 of the Criminal Justice Act 1982.</p> <p>In Scotland—</p> <p>(a) in the case of a person aged 21 or over when sentenced, imprisonment for life; and</p> <p>(b) in the case of a person aged not less than 18 but under 21 when sentenced, detention for life under section 205(3) of the Criminal Procedure (Scotland) Act 1975.</p> <p>In Northern Ireland, imprisonment for life.</p>
Imprisonment for a determinate period.	<p>In England and Wales—</p> <p>(a) in the case of a person aged 21 or over when sentenced, imprisonment for the like term; and</p> <p>(b) in the case of a person aged under 21 when sentenced, a youth custody sentence under section 6 of the Criminal Justice Act 1982 for the like term.</p> <p>In Scotland—</p> <p>(a) in the case of a person aged 21 or over when sentenced, imprisonment for the like term; and</p> <p>(b) in the case of a person aged under 21 when sentenced, detention in a young offenders institution under section 208(3) of the Criminal Procedure (Scotland) Act 1975 for the like term.</p> <p>In Northern Ireland—</p> <p>(a) in the case of a person aged 21 or over when sentenced, imprisonment for the like term; and</p> <p>(b) in the case of a person aged under 21 when sentenced—</p> <p>(i) if the term specified is less than 3 years, detention in a young offenders centre for the like term;</p> <p>(ii) if the term specified is 3 years or more, imprisonment for the like term.</p>
Borstal training.	<p>In England and Wales, a youth custody sentence under section 6 of the Criminal Justice Act 1982 for a term of 12 months.</p> <p>In Scotland, borstal training.</p> <p>In Northern Ireland, detention in a young offenders centre for a term of 2 years.</p>

SCHEDULE 2

Article 2(b)

EQUIVALENT SENTENCES OF DETENTION UNDER
ENACTMENTS RELATING TO CHILDREN AND
YOUNG PERSONS

PART I

1. In England and Wales, detention during Her Majesty's pleasure under section 53(1) of the Children and Young Persons Act 1933**(a)**.
2. In Scotland, detention without limit of time under section 205(2) of the Criminal Procedure (Scotland) Act 1975**(b)**.
3. In Northern Ireland, detention during pleasure under section 73(1) of the Children and Young Persons Act (Northern Ireland) 1968**(c)**.
4. In Jersey, detention under Article 12 of the Children (Jersey) Law 1969.
5. In Guernsey, detention under section 1(2) of the Homicide (Guernsey) Law 1965.
6. In the Isle of Man, detention under section 47(1) of the Children and Young Persons Act 1966 (an Act of Tynwald).

PART II

1. In England and Wales, detention under section 53(2) of the Children and Young Persons Act 1933.
2. In Scotland, detention under section 206(1) of the Criminal Procedure (Scotland) Act 1975**(d)**.
3. In Northern Ireland, detention under section 73(2) of the Children and Young Persons Act (Northern Ireland) 1968.
4. In Jersey, detention under Article 13 of the Children (Jersey) Law 1969.
5. In Guernsey, detention under section 34 of the Loi ayant rapport a la Protection des Enfants et des Jeunes Personnes 1917.
6. In the Isle of Man, detention under section 47(2) of the Children and Young Persons Act 1966 (an Act of Tynwald).

(a) 1933 c. 12.

(b) 1975 c. 21; section 205(2) was substituted by section 43 of the Criminal Justice (Scotland) Act 1980 (c. 62).

(c) 1968 c. 34.

(d) Section 206(1) was substituted by section 44 of the Criminal Justice (Scotland) Act 1980.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order designates as equivalent sentences various descriptions of sentence which may be passed in one part of the United Kingdom or in the Channel Islands or the Isle of Man and descriptions of sentence which may be passed elsewhere in the United Kingdom or in those Islands, for the purposes of the provisions of the Criminal Justice Act 1961 (as amended) which relate to the transfer of offenders (to serve their sentences or for temporary purposes) to another area of jurisdiction within the United Kingdom or those Islands. The broad effect of sections 26, 27 and 39 of the 1961 Act is that an offender is upon transfer to be removed to any institution which would be appropriate for the detention of an offender of the same age serving an equivalent sentence, as designated by this Order, in the place to which he is transferred.

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