

SCHEDULE

Article 2

MODIFICATIONS ETC. OF PROVISIONS OF  
SCHEDULE 1 TO THE 1997 ACT *Modifications*

1.—(1) Paragraph 1 is modified as follows.

(2) In sub-paragraph (1), for the words “to any of the Channel Islands” substitute the words “, with the consent of the Department of Home Affairs, to the Isle of Man”.

(3) For sub-paragraph (2) substitute—

“(2) Where—

(a) a person is remanded in custody in the Isle of Man in connection with an offence;  
or

(b) a person has been sentenced to custody in the Isle of Man,

the Secretary of State may, with the consent of the Department of Home Affairs, and without application in that behalf, make an order for his transfer to any part of the United Kingdom, there to be remanded in custody pending his trial for the offence or, as the case may be, to serve the whole or any part of the remainder of his sentence, and for his removal to an appropriate institution there.”.

2.—(1) Paragraph 2 is modified as follows.

(2) In sub-paragraph (1), for the words “to any of the Channel Islands” substitute the words “to the Isle of Man”.

(3) For sub-paragraph (2) substitute—

“(2) If it appears to the Secretary of State that—

(a) a person remanded in custody in the Isle of Man in connection with an offence; or

(b) a person serving a sentence of custody in the Isle of Man,

should be transferred to a part of the United Kingdom for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that part and for his removal to a prison or other institution there.”.

3.—(1) Paragraph 3 is modified as follows.

(2) In sub-paragraph (1), for the words “in any of the Channel Islands” substitute the words “in the Isle of Man”.

(3) For sub-paragraph (2) substitute—

“(2) If the Secretary of State is satisfied, in the case of—

(a) a person remanded in custody in the Isle of Man in connection with an offence;

(b) a person serving a sentence of custody in the Isle of Man; or

(c) a person not falling within paragraph (a) or (b) above who is detained in an institution in the Isle of Man,

that the attendance of that person at any place in the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.”.

4.—(1) Paragraph 4 is modified as follows.

(2) In sub-paragraph (1), for the words “to any of the Channel Islands” substitute the words “, with the consent of the Department of Home Affairs, to the Isle of Man”.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) In sub-paragraph (2), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

**5.—**(1) Paragraph 15 is modified as follows.

(2) In sub-paragraph (1), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

(3) In sub-paragraph (2), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

(4) In sub-paragraph (4), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

**6.—**(1) Paragraph 17 is modified as follows.

(2) In sub-paragraph (1), for the words “Channel Islands” substitute the words “Isle of Man”.

(3) For paragraphs (a) to (c) of sub-paragraph (2), substitute “to a person being a constable under the law of any part of the United Kingdom or the Isle of Man”.

(4) In sub-paragraph (3), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

(5) In sub-paragraph (4), for the words “Channel Islands” substitute the words “Isle of Man”.

**7.** In paragraph 18(1), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

#### *Supplementary and transitional provisions*

**8.—**(1) Subject to sub-paragraph (2) below, paragraph 20 of Schedule 1 to the 1997 Act shall apply for the interpretation of paragraphs 1 to 7, 15, 16, 17(1), (2), (3) and (4) and 18 of Schedule 1 as those paragraphs extend to, and apply in relation to, the Isle of Man by virtue of this Order, in the same way that that paragraph applies for the interpretation of those paragraphs as they were enacted.

(2) Save where the context otherwise requires, a reference in paragraphs 1 to 7, 15, 16, 17(1), (2), (3) and (4) and 18 of Schedule 1 to the 1997 Act, as those paragraphs extend to, and apply in relation to, the Isle of Man by virtue of this Order, to a sentence of imprisonment includes a reference to a sentence of custody passed by a court in the Isle of Man, and cognate expressions shall be construed accordingly.

**9.** In relation to any person serving a determinate custodial sentence in respect of an offence committed before the commencement of Chapter I of Part II of the 1997 Act, paragraph 6 of Schedule 1 to the 1997 Act shall have effect as if, in sub-paragraph (3)(b) of that paragraph, for the words “recalled to prison under the licence” there were substituted the words “recalled or returned to prison”.