
STATUTORY INSTRUMENTS

1997 No. 1776

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND
CRIMINAL LAW, SCOTLAND**

**The Transfer of Prisoners (Restricted Transfers)
(Channel Islands and Isle of Man) Order 1997**

Made - - - - - *22nd July 1997*

Laid before Parliament *1st August 1997*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 22nd day of July 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of paragraph 14 of Schedule 1 to the Crime (Sentences) Act 1997(1) as enacted, and as it applies in relation to the Isle of Man by the Transfer of Prisoners (Isle of Man) Order 1997(2), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1997 and shall come into force on 22nd August 1997 or the date on which Schedule 1 to the Crime (Sentences) Act 1997 comes into force by order made under section 57(2) of that Act whichever is the later.

2. The provisions specified in Schedule 1 to this Order shall apply in relation to restricted transfers under Part I of Schedule 1 to the Crime (Sentences) Act 1997 between the various parts of the United Kingdom and the Channel Islands, and between those parts and the Isle of Man.

3. The transitional provisions specified in Schedule 2 to this Order shall have effect.

4. In the Schedules to this Order—

“Guernsey” means the Bailiwick of Guernsey;

“Jersey” means the Bailiwick of Jersey;

(1) 1997 c. 43.
(2) S.I.1997/1579.

Status: This is the original version (as it was originally made).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

“the Act” means the Crime (Sentences) Act 1997.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULE 1

Article 2

PROVISIONS APPLYING TO RESTRICTED TRANSFERS BETWEEN THE VARIOUS PARTS OF THE UNITED KINGDOM AND THE CHANNEL ISLANDS, AND BETWEEN THOSE PARTS AND THE ISLE OF MAN

1. In this Schedule:

- “the Schedule” means Schedule 1 to the Act;
- “prison” has the same meaning as in the Schedule.

Restricted transfers from England and Wales to Guernsey

2.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from England and Wales to Guernsey is a restricted transfer—

- (a) sections 13 and 15 of the Act shall apply to him as if they were part of the law of Guernsey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Guernsey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from England and Wales to Guernsey is a restricted transfer—

- (a) sections 10 to 12, 14, 16, 17(1) to (4) and (6), 18(1), (2), 19(1), (2), (4), (6) and (8) to (10), 20(1) and (2), 21(1) and (2), 23 and 27 of the Act or, as the case may require, sections 28 to 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Guernsey; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Guernsey.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1) of the Schedule of a person’s supervision from England and Wales to Guernsey is a restricted transfer—

- (a) sections 16, 17(1) to (4) and (6), 18(1), (2), 19(1), (2), (6) and (8) to (10), 20(1) and (2), 21(1) and (2) and 27 of the Act or, as the case may require, sections 31, 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Guernsey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Guernsey.

(5) In sub-paragraph (2) above, the reference to section 11 of the Act includes a reference to any rules under section 47 of the Prison Act 1952⁽³⁾ which prescribe a minimum standard of behaviour for the purposes of the said section 11.

(6) Any provision of Part II of the Act which is applied by sub-paragraph (1), (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

⁽³⁾ 1952 c. 52; section 47 was amended by the Criminal Justice Act 1967 (c. 80), sections 66(5) and 103(2) and Schedule 7, Part I, by the Criminal Justice Act 1982 (c. 48), Schedule 14, paragraph 7(a), and by the Criminal Justice and Public Order Act 1994 (c. 33), section 6; there are other amendments to section 47 not relevant to Schedule I.

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TABLE

<i>Expression</i>	<i>Substituted expression</i>
A justice of the peace	The Bailiff
A magistrates' court	The Magistrate's Court
Constable	Officer of police within the meaning of section 31(4) of the Theft (Bailiwick of Guernsey) Law 1983 or any corresponding law for the time being in force
Crown Court	Royal Court
Level 3 on the standard scale	Level 4 on the uniform scale as provided for in the Scale of Uniform Fines (Bailiwick of Guernsey) Law, 1989
Prison rules	The provisions of any Ordinance made under section 3 of the Prison Administration (Guernsey) Law, 1949 as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957
Summary conviction	Conviction in the Magistrate's Court

Restricted transfers from England and Wales to the Isle of Man

3.—(1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a)(4) of the Schedule from England and Wales to the Isle of Man is a restricted transfer—

- (a) sections 13 and 15 of the Act shall apply to him as if they were part of the law of the Isle of Man; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in the Isle of Man.

(2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from England and Wales to the Isle of Man is a restricted transfer—

- (a) sections 10 to 12, 14, 16, 17(1) to (4), and (6), 18(1), (2), 19(1), (2), (4), (6) and (8) to (10), 20(1) and (2), 21(1) and (2), 23 and 27 of the Act or, as the case may require, sections 28 to 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in the Isle of Man.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1)(5) of the Schedule of a person's supervision from England and Wales to the Isle of Man is a restricted transfer—

(4) Paragraphs 1, 2 and 3 were extended to, and applied in relation to, the Isle of Man, with modifications, by S.I. 1997/1775.

(5) Paragraph 4 was extended to, and applied in relation to, the Isle of Man, with modifications, by S.I. 1997/1775.

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- (a) sections 16, 17(1) to (4) and (6), 18(1), (2), 19(1), (2), (6) and (8) to (10), 20(1) and (2), 21(1) and (2) and 27 of the Act or, as the case may require, sections 31, 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in the Isle of Man.

(5) In sub-paragraph (2) above, the reference to section 11 of the Act includes a reference to any rules under section 47 of the Prison Act 1952 which prescribe a minimum standard of behaviour for the purposes of the said section 11.

(6) Any provision of Part II of the Act which is applied by sub-paragraph (1), (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Conviction on indictment	Conviction on information
Crown Court	Court of General Gaol Delivery
Imprisonment (section 17 of the Act)	Custody
Magistrates' court	Court of summary jurisdiction
Prison rules	Custody rules
Social worker of a local authority social services department	Officer of the Department of Health and Social Security

Restricted transfers from England and Wales to Jersey

4.—(1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from England and Wales to Jersey is a restricted transfer—

- (a) sections 13 and 15 of the Act shall apply to him as if they were part of the law of Jersey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Jersey.

(2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from England and Wales to Jersey is a restricted transfer—

- (a) sections 10 to 12, 14, 16, 17(1)(a), (4) and (6) (but not (b) in the definition of "the relevant period"), 18(1), (2), 19(1), (2), (4), (6)(a) and (8) to (10), 20(1) and (2), 21(1) and (2), 23 and 27 of the Act or, as the case may require, sections 28 to 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Jersey; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Jersey.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

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(4) Where a transfer under paragraph 4(1) of the Schedule of a person's supervision from England and Wales to Jersey is a restricted transfer—

- (a) sections 16, 17(1)(a), (4) and (6) (but not (b) in the definition of “the relevant period”), 18(1), (2), 19(1), (2), (6)(a) and (8) to (10), 20(1) and (2), 21(1) and (2), and 27 of the Act or, as the case may require, sections 31, 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Jersey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Jersey.

(5) In sub-paragraph (2) above, the reference to section 11 of the Act includes a reference to any rules under section 47 of the Prison Act 1952 which prescribe a minimum standard of behaviour for the purposes of the said section 11.

(6) Any provision of Part II of the Act which is applied by sub-paragraph (1), (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
A justice of the peace	The Bailiff
Constable	Police officer within the meaning of the Police Force (Jersey) Law, 1974
Conviction on indictment	Conviction
Written information on oath	Evidence on oath
Prison rules	Rules made under Article 26 of the Prison (Jersey) Law, 1957, as amended by the Prison (Amendment No. 2) (Jersey) Law, 1981 and by the Prison (Amendment No. 3) (Jersey) Law 1994
Probation officer	“Délégué” appointed under Article 7 of the Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée
Standard scale	Standard scale in accordance with the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993

Restricted transfers from Scotland to Guernsey

5.—(1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to Guernsey is a restricted transfer—

- (a) sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995⁽⁶⁾ (time limits for solemn and summary prosecutions where prisoner remanded in custody) shall apply to him as if they were part of the law of Guernsey; but

⁽⁶⁾ 1995 c. 46. Section 65 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 73(3) and by the Crime and Punishment (Scotland) Act 1997 (c. 48), Schedule 1, paragraph 21(9).

- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Guernsey.
- (2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to Guernsey is a restricted transfer—
- (a) sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1933(7) ("the 1993 Act") and sections 33(5), 34, 37 and 39 of the Crime and Punishment (Scotland) Act 1997(8) ("the 1997 Act") or, as the case may require, sections 1(4)(9), 2(10), 3(11), 11 to 13(12) and 17(13) of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Guernsey; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in Guernsey.
- (3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he is transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.
- (4) Where a transfer under paragraph 4(1) of the Schedule of a person's supervision from Scotland to Guernsey is a restricted transfer—
- (a) sections 15, 18 and 19 of the 1993 Act and sections 33(5) and 37 of the 1997 Act or, as the case may require, sections 2(4), 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Guernsey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Guernsey.
- (5) Any reference in—
- (a) sub-paragraphs (2) and (4) above to sections 15, 18 and 19 of the 1993 Act is a reference to those sections so far as relating to supervised release orders;
- (b) the said sub-paragraph (2)—
- (i) to section 34 of the 1997 Act includes a reference to any rules under section 39 of the Prisons (Scotland) Act 1989(14) made by virtue of subsections (13) to (16) of that section; and
- (ii) to section 39 of the 1997 Act is a reference to that section so far as it relates to section 37 of that Act.
- (6) Any provision of Part I of the 1993 Act or Part III of the 1997 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

(7) 1993 c. 9. Section 15 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(8); section 18 was amended by the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 179(2), and by the Criminal Justice (Scotland) Act 1995 (c. 20), Schedule 6, paragraph 179(4).

(8) 1997 c. 48.

(9) Section 1(4) was amended by the 1997 Act, Schedule 1, paragraph 14(2)(b).

(10) Section 2 was amended by the 1997 Act, Schedule 1, paragraph 14(3).

(11) Section 3 was amended by the 1997 Act, Schedule 1, paragraph 14(4).

(12) Section 11 was amended by the Criminal Justice (Scotland) Act 1995 (c. 20), Schedule 6, paragraph 179(2) and by the 1997 Act, Schedule 1, paragraph 14(9); section 12 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 131 and by the 1997 Act, Schedule 1, paragraph 14(10).

(13) Section 17 was modified in its application to certain prisoners by S.I. 1995/911 and was amended by the 1997 Act, Schedule 1, paragraph 14(13).

(14) 1989 c. 45; subsections (13) to (16) were added by the 1997 Act, section 36.

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TABLE

<i>Expression</i>	<i>Substituted expression</i>
Court in the United Kingdom	Court in the United Kingdom or Guernsey
England and Wales or Northern Ireland	Guernsey
Justices for a petty sessions area	Chief Probation Officer
Probation officer appointed for or assigned to a petty sessions area	Probation officer

Restricted transfers from Scotland to the Isle of Man

6.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoner remanded in custody) shall apply to him as if they were part of the law of the Isle of Man; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in the Isle of Man.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) and sections 33(5), 34, 37 and 39 of the Crime and Punishment (Scotland) Act 1997 (“the 1997 Act”) or, as the case may require, sections 1(4), 2, 3, 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in the Isle of Man.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he is transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1) of the Schedule of a person’s supervision from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 15, 18 and 19 of the 1993 Act and sections 33(5) and 37 of the 1997 Act or, as the case may require, sections 2(4), 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in the Isle of Man.

(5) Any reference in—

- (a) sub-paragraphs (2) and (4) above to sections 15, 18 and 19 of the 1993 Act is a reference to those sections so far as relating to supervised release orders;
- (b) the said sub-paragraph (2)—

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- (i) to section 34 of the 1997 Act includes a reference to any rules under section 39 of the Prisons (Scotland) Act 1989 made by virtue of subsections (13) to (16) of that section; and
- (ii) to section 39 of the 1997 Act is a reference to that section so far as it relates to section 37 of that Act.

(6) Any provision of Part I of the 1993 Act or Part III of the 1997 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Court in the United Kingdom	Court in the United Kingdom or the Isle of Man
England and Wales or Northern Ireland	The Isle of Man
Justices for a petty sessions area	Department of Home Affairs
Probation officer appointed for or assigned to a petty sessions area	Probation officer

Restricted transfers from Scotland to Jersey

7.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to Jersey is a restricted transfer—

- (a) sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoner remanded in custody) shall apply to him as if they were part of the law of Jersey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Jersey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to Jersey is a restricted transfer—

- (a) sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) and sections 33(5), 34, 37 and 39 of the Crime and Punishment (Scotland) Act 1997 (“the 1997 Act”) or, as the case may require, sections 1(4), 2, 3, 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Jersey; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in Jersey.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he is transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1) of the Schedule of a person’s supervision from Scotland to Jersey is a restricted transfer—

- (a) sections 15, 18 and 19 of the 1993 Act and sections 33(5) and 37 of the 1997 Act or, as the case may require, sections 2(4), 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Jersey; but

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- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Jersey.
- (5) Any reference in—
- (a) sub-paragraphs (2) and (4) above to sections 15, 18 and 19 of the 1993 Act is a reference to those sections so far as relating to supervised release orders;
- (b) the said sub-paragraph (2)—
- (i) to section 34 of the 1997 Act includes a reference to any rules under section 39 of the Prisons (Scotland) Act 1989 made by virtue of subsections (13) to (16) of that section; and
- (ii) to section 39 of the 1997 Act is a reference to that section so far as it relates to section 37 of that Act.
- (6) Any provision of Part I of the 1993 Act or Part III of the 1997 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Court in the United Kingdom	Court in the United Kingdom or Jersey
England and Wales or Northern Ireland	Jersey
Justices for a petty sessions area	Chief Probation Officer
Probation officer appointed for or assigned to a petty sessions area	“Délégué” appointed under Article 7 of the Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée

Restricted transfers from Northern Ireland to Guernsey

8.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Northern Ireland to Guernsey is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Guernsey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Northern Ireland to Guernsey is a restricted transfer—

- (a) sections 13(7), 23 and 24 of the Prison Act (Northern Ireland) 1953⁽¹⁵⁾, and Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996⁽¹⁶⁾ (“the 1996 Order”) or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995⁽¹⁷⁾ shall apply to him in place of the corresponding provisions of the law of Guernsey; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Guernsey.

⁽¹⁵⁾ 1953 c. 18.

⁽¹⁶⁾ S.I. 1996/3160 (N.I. 24).

⁽¹⁷⁾ 1995 c. 47.

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(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1) of the Schedule of a person’s supervision from Northern Ireland to Guernsey is a restricted transfer—

- (a) section 23 of the Prison Act (Northern Ireland) 1953 and Articles 26 to 28 of the 1996 Order shall apply to him in place of the corresponding provisions of the law of Guernsey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Guernsey.

(5) Any provision of the Prison Act (Northern Ireland) 1953, the 1996 Order or the Northern Ireland (Remission of Sentences) Act 1995 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
A court of summary jurisdiction (any provision apart from Article 27(2) of the 1996 Order)	The Magistrate’s Court
A court of summary jurisdiction acting for the petty sessions district in which he resides	The Magistrate’s Court
A justice of the peace	The Magistrate
A prison	The States Prison
Complaint	Information
Crown Court	Royal Court
Probation officer appointed for or assigned to the petty sessions district within which the offender resides	Probation officer

Restricted transfers from Northern Ireland to the Isle of Man

9.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Northern Ireland to the Isle of Man is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in the Isle of Man.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Northern Ireland to the Isle of Man is a restricted transfer—

- (a) sections 13(7), 23 and 24 of the Prison Act (Northern Ireland) 1953, and Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996 (“the 1996 Order”) or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but

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- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in the Isle of Man.
- (3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.
- (4) Where a transfer under paragraph 4(1) of the Schedule of a person’s supervision from Northern Ireland to the Isle of Man is a restricted transfer—
 - (a) Section 23 of the Prison Act (Northern Ireland) 1953 and articles 26 to 28 of the 1996 Order shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
 - (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in the Isle of Man.
- (5) Any provision of the Prison Act (Northern Ireland) 1953, the 1996 Order or the Northern Ireland (Remission of Sentences) Act 1995 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Crown Court	Court of General Gaol Delivery
Probation officer appointed for or assigned to the petty sessions district within which the offender resides	Probation officer
Young offenders centre (Articles 27 and 28 of the 1996 Order)	Institution within the meaning of the Custody Act 1995 (an Act of Tynwald)

Restricted transfers from Northern Ireland to Jersey

- 10.**—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Northern Ireland to Jersey is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Jersey.
- (2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Northern Ireland to Jersey is a restricted transfer—
 - (a) sections 13(7), 23 and 24 of the Prison Act (Northern Ireland) 1953, and Articles 26 to 28 (but not Article 28(2) to (4)) of the Criminal Justice (Northern Ireland) Order 1996 (“the 1996 Order”) or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of Jersey; but
 - (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Jersey.

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(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1) of the Schedule of a person’s supervision from Northern Ireland to Jersey is a restricted transfer—

- (a) section 23 of the Prison Act (Northern Ireland) 1953 and Articles 26 to 28 (but not Article 28(2) to (4)) of the 1996 Order shall apply to him in place of the corresponding provision of the law of Jersey; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Jersey.

(5) Any provision of the Prison Act (Northern Ireland) 1953, the 1996 Order, or the Northern Ireland (Remission of Sentences) Act 1995 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
A court of summary jurisdiction (any provision apart from Article 27(2) of the 1996 Order)	The Magistrate’s Court
A court of summary jurisdiction acting for the petty sessions district in which he resides	The Magistrate’s Court
A justice of the peace	The Magistrate
A prison	The prison
Complaint	Evidence
Probation officer appointed for or assigned to the petty sessions district within which the offender resides	“Délégué” appointed under Article 7 of the Loi (1937) sur l’atténuation des peines et sur la mise en liberté surveillée
Young offenders centre (Articles 27 and 28 of the 1996 Order)	Young offender institution

Restricted transfers from Guernsey to England and Wales

11.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Guernsey to England and Wales is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in England and Wales save that regulations made under section 22 of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Guernsey to England and Wales is a restricted transfer—

- (a) section 31 of the Prison Administration (Guernsey) Ordinance, 1959 (as amended by Ordinance XXIII of 1986), section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 (“the 1990 Law”) (but with the omission of the definition of

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“Probation Officer” in subsection (9) of that section) and sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989 shall apply to him in place of the corresponding provisions of the law of England and Wales; but

(b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in England and Wales.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from Guernsey to England and Wales is a restricted transfer—

(a) section 4 of the 1990 Law (but with the omission of the definition of “Probation Officer” in subsection (9) of that section) and sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989 shall apply to him in place of the corresponding provisions of the law of England and Wales; but

(b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in England and Wales.

(5) Any provision of the Prison Administration (Guernsey) Ordinance, 1959, the 1990 Law, or the Parole Review Committee (Guernsey) Law, 1989 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, in brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Level 4 on the uniform scale	Level 3 on the standard scale
Liable on conviction	Liable on summary conviction
Probation Officer	Probation officer
Sentence of youth detention (section 4(7) of the 1990 Law)	Sentence of detention in a young offender institution

Restricted transfers from Guernsey to Scotland

12.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Guernsey to Scotland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Scotland save that sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoners remanded in custody) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Guernsey to Scotland is a restricted transfer—

(a) section 31 of the Prison Administration (Guernsey) Ordinance, 1959 (as amended by Ordinance XXIII of 1986), section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 (“the 1990 Law”) (but with the omission of the definition of “Probation Officer” in subsection (9) of that section) and sections 2, 3 and 4 of the Parole

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Review Committee (Guernsey) Law, 1989 shall apply to him in place of the corresponding provisions of the law of Scotland; but

- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in Scotland.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from Guernsey to Scotland is a restricted transfer—

- (a) section 4 of the 1990 Law (but with the omission of the definition of “Probation Officer” in subsection (9) of that section) and sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989 shall apply to him in place of the corresponding provisions of the law of Scotland; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Scotland.

(5) Any provision of the Prison Administration (Guernsey) Ordinance, 1959, the 1990 Law, or the Parole Review Committee (Guernsey) Law, 1989 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Level 4 on the uniform scale	Level 3 on the standard scale
Liable on conviction	Liable on summary conviction
Probation Officer	Relevant officer within the meaning given by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(18)
Sentence of youth detention (section 4(7) of the 1990 Law)	Sentence of detention in a young offenders institution

Restricted transfers from Guernsey to Northern Ireland

13.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Guernsey to Northern Ireland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Northern Ireland.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Guernsey to Northern Ireland is a restricted transfer—

- (a) Article 31 of the Prison Administration (Guernsey) Ordinance, 1959 (as amended by Ordinance XXIII of 1986), section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 (“the 1990 Law”) (but with the omission of the definition of

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“Probation Officer” in subsection (9) of that section) and sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989 shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but

(b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in Northern Ireland.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from Guernsey to Northern Ireland is a restricted transfer—

(a) section 4 of the 1990 Law (but with the omission of the definition of “Probation Officer” in subsection (9) of that section) and sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989 shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but

(b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Northern Ireland.

(5) Any provision of the Prison Administration (Guernsey) Ordinance, 1959, the 1990 Law or the Parole Review Committee (Guernsey) Law, 1989 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Level 4 on the uniform scale	Level 3 on the standard scale
Liable on conviction	Liable on summary conviction
Probation Officer	Probation officer
Sentence of youth detention (section 4(7) of the 1990 Law)	Sentence of detention in a young offenders centre

Restricted transfers from the Isle of Man to England and Wales

14.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a)(**19**) of the Schedule from the Isle of Man to England and Wales is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in England and Wales, save that regulations made under section 22 of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2) (b), 2(2) (b) or 3(2) (b) of the Schedule from the Isle of Man to England and Wales is a restricted transfer—

(**19**) Paragraphs 1, 2 and 3 were extended to, and applied in relation to, the Isle of Man, with modifications by S.I. [1997/1775](#).

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- (a) section 6 of, paragraphs 1 to 8, 10, 12, 14, 15 and 18 of Schedule 2 and, where applicable, Part 2 of Schedule 3, to the Custody Act 1995 (an Act of Tynwald) (“the 1995 Act”) shall apply to him in place of the corresponding provisions of the law of England and Wales; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in England and Wales.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2)(20) of the Schedule of a person’s supervision from the Isle of Man to England and Wales is a restricted transfer—

- (a) paragraphs 8, 10 and 14 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that Act shall apply to him in place of the corresponding provisions of the law of England and Wales; but
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in England and Wales.

(5) Any provision of the 1995 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
An institution	Prison
Court of summary jurisdiction	Magistrates' court
Court of General Gaol Delivery	Crown Court
The Department of Health and Social Security or a probation officer	A probation officer

Restricted transfers from the Isle of Man to Scotland

15.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from the Isle of Man to Scotland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Scotland, save that sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoners remanded in custody) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from the Isle of Man to Scotland is a restricted transfer—

- (a) section 6 of, paragraphs 1 to 10, 12, 14, 15 and 18 of Schedule 2 and, where applicable, Part 2 of Schedule 3, to the Custody Act 1995 (an Act of Tynwald) (“the 1995 Act”) shall apply to him in place of the corresponding provisions of the law of Scotland; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Scotland.

(20) Paragraph 4 was extended to, and applied in relation to, the Isle of Man, with modifications by S.I. 1997/1775.

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(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person's supervision from the Isle of Man to Scotland is a restricted transfer—

- (a) paragraphs 8 to 10 and 14 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that Act shall apply to him in place of the corresponding provisions of the law of Scotland; but
- (b) subject to that and any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Scotland.

(5) Any provision of the 1995 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
An institution	Prison
Court of summary jurisdiction	Sheriff
Court of General Gaol Delivery	High Court of Justiciary
The Department of Health and Social Security or a probation officer	A relevant officer within the meaning given by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993

Restricted transfers from the Isle of Man to Northern Ireland

16.—(1) Where a person's transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from the Isle of Man to Northern Ireland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Northern Ireland.

(2) Where a person's transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from the Isle of Man to Northern Ireland is a restricted transfer—

- (a) section 6 of, paragraphs 1 to 12, 14, 15 and 18 of Schedule 2 and, where applicable, Part 2 of Schedule 3, to the Custody Act 1995 (an Act of Tynwald) ("the 1995 Act") shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Northern Ireland.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(1) of the Schedule of a person's supervision from the Isle of Man to Northern Ireland is a restricted transfer—

- (a) paragraphs 8 to 11 and 14 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that Act shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but

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(b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Northern Ireland.

(5) Any provision of the 1995 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
An institution	Prison
Court of General Gaol Delivery	Crown Court
For sentence in accordance with section 17 of the Summary Jurisdiction Act 1989	Which may make such an order with regard to him as is mentioned in sub-paragraph (2)
The Department of Health and Social Security or a probation officer	A probation officer

Restricted transfers from Jersey to England and Wales

17.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Jersey to England and Wales is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in England and Wales save that regulations made under section 22 of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Jersey to England and Wales is a restricted transfer—

(a) Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules, 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) (“the 1994 Law”), the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 35 of the Court of Appeal (Jersey) Law, 1961 shall apply to him in place of the corresponding provisions of the law of England and Wales;

(b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in England and Wales.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from Jersey to England and Wales is a restricted transfer—

(a) Article 19 of the Prison (Jersey) Law, 1957 (as amended by the Prison (Amendment No. 3) Jersey Law, 1994) and Article 10 of the 1994 Law shall apply to him in place of the corresponding provisions of the law of England and Wales; but

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- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in England and Wales.

(5) Any provision of the Prison (Jersey) Law, 1957, the Prison (Jersey) Rules, 1957, the Criminal Justice (Jersey) Law, 1957, the 1994 Law, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 or the Court of Appeal (Jersey) Law, 1961 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Either a probation officer or an officer of the Health and Social Services Committee	A probation officer
Liable to	Liable on summary conviction to
Youth detention (Article 10(6) of the 1994 Law)	Detention in a young offender institution

Restricted transfers from Jersey to Scotland

18.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Jersey to Scotland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Scotland save that sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoners remanded in custody) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Jersey to Scotland is a restricted transfer—

- (a) Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules, 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) (“the 1994 Law”), the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 35 of the Court of Appeal (Jersey) Law, 1961 shall apply to him in place of the corresponding provisions of the law of Scotland; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in Scotland.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from Jersey to Scotland is a restricted transfer—

- (a) Article 19 of the Prison (Jersey) Law, 1957 (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994) and Article 10 of the 1994 Law shall apply to him in place of the corresponding provisions of the law of Scotland; but

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- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Scotland.

(5) Any provision of the Prison (Jersey) Law, 1957, the Prison (Jersey) Rules, 1957, the Criminal Justice (Jersey) Law, 1957, the 1994 Law, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 or the Court of Appeal (Jersey) Law, 1961 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Either a probation officer or an officer of the Health and Social Services Committee	A relevant officer within the meaning given by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993
Liable to	Liable on summary conviction to
Youth detention (Article 10(6) of the 1994 Law)	Detention in a young offenders institution

Restricted transfers from Jersey to Northern Ireland

19.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Jersey to Northern Ireland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Northern Ireland.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Jersey to Northern Ireland is a restricted transfer—

- (a) Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules, 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) (“the 1994 Law”), the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 35 of the Court of Appeal (Jersey) Law, 1961 shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in Northern Ireland.

(3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from Jersey to Northern Ireland is a restricted transfer—

- (a) Article 19 of the Prison (Jersey) Law, 1957 (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994) and Article 10 of the 1994 Law shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but

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(b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Northern Ireland.

(5) Any provision of the Prison (Jersey) Law, 1957, the Prison (Jersey) Rules, 1957, the Criminal Justice (Jersey) Law, 1957, the 1994 Law, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 or the Court of Appeal (Jersey) Law, 1961 which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question, were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Either a probation officer or an officer of the Health and Social Services Committee	A probation officer
Liable to	Liable on summary conviction to
Youth detention (Article 10(6) of the 1994 Law)	Detention in a young offenders centre

SCHEDULE 2

Article 3

TRANSITIONAL PROVISIONS

1. In this Schedule, “life prisoner” has the same meaning as in Chapter II of Part II of the Act.

Restricted transfers from England and Wales to Guernsey

2.—(1) In relation to any person serving a determinate custodial sentence imposed in respect of an offence committed before the commencement of Chapter I of Part II of the Act, paragraph 2 of Schedule 1 to this Order shall have effect as if—

- (a) in sub-paragraph (1), paragraph (a) and, in paragraph (b), the words “to that and” were omitted;
- (b) references in sub-paragraph (2) to provisions of that Chapter were references to sections 33, 35 to 46 and 65 of the Criminal Justice Act 1991 (“the 1991 Act”)(**21**) and paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act, so far as relating to short-term or long-term prisoners;
- (c) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37 to 40, 43 to 46 and 65 of the 1991 Act and paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act, so far as so relating;
- (d) the reference in sub-paragraph (6) to any provision of Part II of the Act were a reference to any provision of Part II of the 1991 Act, there was inserted after “the following Table” in that sub-paragraph “or, as the case may be, any reference to such as an expression as it occurs in the provision specified in the first column, within brackets immediately

(21) 1991 c. 53. Section 40 of the 1991 Act was amended by the Criminal Justice and Public Order Act 1994 (c. 33); Schedule 9, paragraph 47 and Schedule 10, paragraph 67.

following the expression in question,” and the Table set out in that sub-paragraph contained the following entry—

“Young offender institution (section 65(7) of The States Prison; and”
the 1991 Act)

(e) section 67 of the Criminal Justice Act 1967(22) or, as the case may require, section 9 of the Act extended to Guernsey.

(2) In relation to any time before the commencement of Chapter II of Part II of the Act, paragraph 2 of Schedule 1 to this Order shall have effect as if—

(a) references in sub-paragraph (2) to provisions of that Chapter were references to sections 34 to 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as relating to life prisoners;

(b) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as so relating; and

(c) the reference in sub-paragraph (6) to any provision of Part II of the Act were a reference to any provision of Part II of the 1991 Act.

Restricted transfers from England and Wales to the Isle of Man

3.—(1) In relation to any person serving a determinate custodial sentence imposed in respect of an offence committed before the commencement of Chapter I of Part II of the Act, paragraph 3 of Schedule 1 to this Order shall have effect as if—

(a) in sub-paragraph (1), paragraph (a) and, in paragraph (b), the words “to that and” were omitted;

(b) references in sub-paragraph (2) to provisions of that Chapter were references to sections 33, 35 to 37, 39, 41 to 46 and 65 of the Criminal Justice Act 1991 (“the 1991 Act”) and paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act, so far as relating to short-term or long-term prisoners;

(c) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37 to 39, 43 to 46 and 65 of the 1991 Act and paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act, so far as so relating;

(d) the reference in sub-paragraph (6) to any provision of Part II of the Act were a reference to any provision of Part II of the 1991 Act and the Table referred to in that sub-paragraph contained the following entries—

“Imprisonment (section 65(7) of the 1991 Act) Custody

Young offender institution (section 65(7) of Institution within the meaning of the Custody
the 1991 Act) Act 1995 (an Act of Tynwald); and”

(e) section 67 of the Criminal Justice Act 1967 or, as the case may require, section 9 of the Act extended to the Isle of Man.

(22) 1967 c. 80. Section 67 was amended by the Criminal Justice Act 1972 (c. 71), Schedule 5, the Powers of Criminal Courts Act 1973 (c. 62) section 56(1) and Schedule 5, paragraph 22, the Criminal Justice Act 1982 (c. 48), section 10 and Schedule 14, paragraph 22, the Police and Criminal Evidence Act 1984 (c. 60), section 49, the Criminal Justice Act 1988 (c. 33), section 130 and Schedule 15, paragraphs 17 and 19, the Children Act 1989 (c. 41), Schedule 13, paragraph 16, the Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4), Schedule 8, paragraph 2, and the Criminal Justice Act 1991 (c. 53), Schedule 11, paragraph 2.

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(2) In relation to any time before the commencement of Chapter II of Part II of the Act, paragraph 3 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to provisions of that Chapter were references to sections 34 to 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as relating to life prisoners;
- (b) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as so relating; and
- (c) the references in sub-paragraph (6) to any provision of Part II of the Act were a reference to any provision of Part II of the 1991 Act.

Restricted transfers from England and Wales to Jersey

4.—(1) In relation to any person serving a determinate custodial sentence imposed in respect of an offence committed before the commencement of Chapter I of Part II of the Act, paragraph 4 of Schedule 1 to this Order shall have effect as if—

- (a) in sub-paragraph (1), paragraph (a) and, in paragraph (b), the words “to that and” were omitted;
- (b) references in sub-paragraph (2) to provisions of that Chapter were references to sections 33, 35 to 39, 40 (but not subsection (3) of that section), 41 to 46 and 65 of the Criminal Justice Act 1991 (“the 1991 Act”) and paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act, so far as relating to short-term or long-term prisoners;
- (c) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37 to 39, 40 (but not subsection (3) of that section), 43 to 46 and 65 of the 1991 Act and paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act, so far as so relating;
- (d) the reference in sub-paragraph (6) to any provision of Part II of the Act were a reference to any provision of Part II of the 1991 Act and the Table referred to in that sub-paragraph contained the following entry—

“Summary conviction	Conviction; and”
(e) section 67 of the Criminal Justice Act 1967 or, as the case may require, section 9 of the Act extended to Jersey.	

(2) In relation to any time before the commencement of Chapter II of Part II of the Act, paragraph 4 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to provisions of that Chapter were references to sections 34 to 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as relating to life prisoners;
- (b) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as so relating; and
- (c) the reference in sub-paragraph (6) to any provision of Part II of the Act were a reference to any provision of Part II of the 1991 Act.

Restricted transfers from Scotland to Guernsey

5.—(1) In relation to any prisoner sentenced on or after 1st October 1993 in respect of an offence committed before the commencement of section 33 of the Crime and Punishment (Scotland) Act 1997 (“the 1997 Act”), paragraph 5 of Schedule 1 to this Order shall have effect as if—

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- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), and sections 33(5), 34, 37 and 39 of the 1997 Act were references to sections 1 to 3, 5(23), 6(1)(a) and (b)(i) and (iii), 9, 11 to 13(24), 15 to 21(25) and 27(26) of, and Schedules 2 and 6(27) to, the 1993 Act;
- (b) references in sub-paragraph (4) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to sections 11 to 13, 15 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
- (c) references in that sub-paragraph to sections 2(4), 11 to 13 and 17 of the 1993 Act were references to sections 26(28) and 28(29) of the Prisons (Scotland) Act 1989 (“the 1989 Act”); and
- (d) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the 1993 Act, there was inserted after “the following Table” in that sub-paragraph “or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question,” and the Table set out in that sub-paragraph contained the following entry—

“England and Wales (section 16 of the 1993 Act) Guernsey.”

(2) In relation to any prisoner to whom the existing provisions apply, paragraph 5 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5), 34, 37 and 39 of the 1997 Act were references to Schedule 6 to the 1993 Act and to the following existing provisions, namely, sections 18(30), 19(4)(31), 22(32), 24(33), 26, 28 to 30(33), 32(33) and 43(34) of, and Schedule 1(33) to, the 1989 Act and any rules made under section 18 or 39 of that Act;

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- (23) Section 5 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(3).
 - (24) Section II was amended by the Criminal Justice (Scotland) Act 1995 (c. 20). Section 12 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 131.
 - (25) Section 15 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(8), Section 17 was modified in its application to certain prisoners by S.I. 1995/911. Section 18 was amended by the Local Government (Scotland) Act 1994 (c. 39) and by the Criminal Justice (Scotland) Act 1995 (c. 20), Schedule 6, paragraph 179(4).
 - (26) Section 27 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 179(3).
 - (27) Schedule 6 was amended by the Criminal Justice Act 1993 (c. 36), sections 75 and 76, and by the Criminal Justice and Public Order Act 1994 (c. 36), sections 134 and 135.
 - (28) 1989 c. 45. Section 26 was repealed by the 1993 Act, Schedule 7, Part I but was saved in respect of prisoners to whom the “existing provisions” (as defined in Schedule 6, paragraph 1 to the 1993 Act) apply for the purposes of that Act.
 - (29) 1989 c. 45. Section 28 was repealed by the 1993 Act Schedule 7, Part I, but was saved in respect of prisoners to whom the “existing provisions” apply for the purpose of that Act; it was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(2) and (4), in its application to such prisoners.
 - (30) Section 18 was repealed by the 1993 Act, Schedule 7, Part I, but was saved in respect of prisoners to whom the “existing provisions” (as defined in Schedule 6, paragraph 1 of the 1993 Act) apply for the purposes of that Act; it was amended by the Criminal Justice and Public Order Act 1994 (c. 36), section 134(2) and (3) in its application to such prisoners.
 - (31) Section 19(4) was amended by the 1993 Act, Schedule 5, paragraph 6(4)(b) and Schedule 7, and by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 10, paragraph 64.
 - (32) Section 22 was repealed by the 1993 Act, Schedule 7, Part I, but was saved in respect of prisoners to whom the “existing provisions” apply for the purposes of that Act; it was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(2), (4) and (5) in its application to such provisions.
 - (33) Sections 24, 29, 30, 32 and Schedule 1 were repealed by the 1993 Act, Schedule 7, Part I, but were saved in respect of prisoners to whom the “existing provisions” apply for the purposes of that Act.
 - (33) Sections 24, 29, 30, 32 and Schedule 1 were repealed by the 1993 Act, Schedule 7, Part I, but were saved in respect of prisoners to whom the “existing provisions” apply for the purposes of that Act.
 - (33) Sections 24, 29, 30, 32 and Schedule 1 were repealed by the 1993 Act, Schedule 7, Part I, but were saved in respect of prisoners to whom the “existing provisions” apply for the purposes of that Act.

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- (b) references in sub-paragraph (4) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to the said Schedule 6 and to the following existing provisions, namely, sections 30, 32 and 43 of the 1989 Act; and
 - (c) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (3) In sub-paragraph (1) above the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the Criminal Procedure (Scotland) Act 1995⁽³⁵⁾; and in sub-paragraph (2) above—
- (a) the reference to section 19(4) of the 1989 Act is a reference to that provision so far as it applies section 24 of that Act in relation to persons detained in young offenders institutions; and
 - (b) any reference to the existing provisions is a reference to the existing provisions within the meaning of Schedule 6 to the 1993 Act.

Restricted transfers from Scotland to the Isle of Man

6.—(1) In relation to any prisoner sentenced on or after 1st October 1993 in respect of an offence committed before the commencement of section 33 of the Crime and Punishment (Scotland) Act 1997 (“the 1997 Act”), paragraph 6 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), and to sections 33(5), 34, 37 and 39 of the 1997 Act were references to sections 1 to 3, 5, 6(1)(a) and (b)(i) and (iii), 9, 11 to 13, 15, 17 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
- (b) references in sub-paragraph (4) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to sections 11 to 13, 15, 17 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
- (c) references in that sub-paragraph to sections 2(4), 11 to 13 and 17 of the 1993 Act were references to sections 26 and 28 of the Prisons (Scotland) Act 1989 (“the 1989 Act”); and
- (d) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the 1993 Act.

(2) In relation to any prisoner to whom the existing provisions apply, paragraph 6 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5), 34, 37 and 39 of the 1997 Act were references to Schedule 6 to the 1993 Act and to the following existing provisions, namely, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 of, and Schedule 1 to, the 1989 Act and any rules made under section 18 or 39 of that Act;
- (b) references in sub-paragraph (4) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to the said Schedule 6 and to the following existing provisions, namely, sections 30, 32 and 43 of the 1989 Act; and
- (c) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the said Schedule 6 or the 1989 Act.

⁽³⁴⁾ Section 43 was partially repealed by the 1993 Act, Schedule 7, but those repeals were saved in respect of prisoners to whom the “existing provisions” apply for the purposes of that Act; it was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(6)(a) and by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 75(7).

⁽³³⁾ Sections 24, 29, 30, 32 and Schedule 1 were repealed by the 1993 Act, Schedule 7, Part I, but were saved in respect of prisoners to whom the “existing provisions” apply for the purposes of that Act.

⁽³⁵⁾ 1995 c. 46.

(3) In sub-paragraph (1) above the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the Criminal Procedure (Scotland) Act 1995; and in sub-paragraph (2) above—

- (a) the reference to section 19(4) of the 1989 Act is a reference to that provision so far as it applies section 24 of that Act in relation to persons detained in young offenders institutions; and
- (b) any reference to the existing provisions is a reference to the existing provisions within the meaning of Schedule 6 to the 1993 Act.

Restricted transfers from Scotland to Jersey

7.—(1) In relation to any prisoner sentenced on or after 1st October 1993 in respect of an offence committed before the commencement of section 33 of the Crime and Punishment (Scotland) Act 1997 (“the 1997 Act”), paragraph 7 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”), and to sections 33(5), 34, 37 and 39 of the 1997 Act were references to sections 1 to 3, 5, 6(1)(a) and (b)(i) and (iii), 9, 11 to 13, 15 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
- (b) references in sub-paragraph (4) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to sections 11 to 13, 15 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
- (c) references in that sub-paragraph to sections 2(4), 11 to 13 and 17 of the 1993 Act were references to sections 26 and 28 of the Prisons (Scotland) Act 1989 (“the 1989 Act”); and
- (d) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the 1993 Act, there was inserted after “the following Table” in that sub-paragraph “or, as the case may be, any reference to such an expression as it occurs in the provision specified in the first column, within brackets immediately following the expression in question,” and the Table set out in that sub-paragraph contained the following entry—

“England and Wales (section 16 of the 1993 Act) Jersey.”

(2) In relation to any prisoner to whom the existing provisions apply, paragraph 7 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5), 34, 37 and 39 of the 1997 Act were references to Schedule 6 to the 1993 Act and to the following existing provisions, namely, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 of, and Schedule 1 to, the 1989 Act and any rules made under section 18 or 39 of that Act;
- (b) references in sub-paragraph (4) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to the said Schedule 6 and to the following existing provisions, namely, sections 30, 32 and 43 of the 1989 Act; and
- (c) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the said Schedule 6 or the 1989 Act.

(3) In sub-paragraph (1) above the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the Criminal Procedure (Scotland) Act 1995; and in sub-paragraph (2) above—

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- (a) the reference to section 19(4) of the 1989 Act is a reference to that provision so far as it applies section 24 of that Act in relation to persons detained in young offenders institutions; and
 - (b) any reference to the existing provisions is a reference to the existing provisions within the meaning of Schedule 6 to the 1993 Act.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision, pursuant to paragraph 14 of Schedule 1 to the Crime (Sentences) Act 1997 (“the 1997 Act”), in relation to transfers of prisoners within the British Islands which are “restricted transfers” as defined in paragraph 6 of Schedule 1 to the Act. The persons who may be subject to such transfers are those who have been remanded in custody in connection with an offence, who are serving a sentence of imprisonment in connection with an offence or who are undergoing, or are about to undergo, supervision in the community in connection with an offence.

Schedule 1 to the Order sets out the provisions under the law of the place from which the restricted transfer is made which are to apply to such a transfer, and Schedule 2 contains transitional provisions.