

## SCHEDULE 1

### 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

#### **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(1) 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.

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(1) 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.

**Status:** This is the original version (as it was originally made).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

## 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