

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 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(1) (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
- (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(2) (“the 1993 Act”) and sections 33(5), 34, 37 and 39 of the Crime and Punishment (Scotland) Act 1997(3) (“the 1997 Act”) or, as the case may require, sections 1(4)(4), 2(5), 3(6), 11 to 13(7) and 17(8) 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—

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- (1) 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).
 - (2) 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).
 - (3) 1997 c. 48.
 - (4) Section 1(4) was amended by the 1997 Act, Schedule 1, paragraph 14(2)(b).
 - (5) Section 2 was amended by the 1997 Act, Schedule 1, paragraph 14(3).
 - (6) Section 3 was amended by the 1997 Act, Schedule 1, paragraph 14(4).
 - (7) 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).
 - (8) 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).

Status: This is the original version (as it was originally made).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

- (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⁽⁹⁾ 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 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

⁽⁹⁾ 1989 c. 45; subsections (13) to (16) were added by the 1997 Act, section 36.