

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”)(1) 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 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(2) 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.

(1) 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.

(2) 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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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 the 1991 Act)	Institution within the meaning of the Custody 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.

(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—

- (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(3), 6(1)(a) and (b)(i) and (iii), 9, 11 to 13(4), 15 to 21(5) and 27(6) of, and Schedules 2 and 6(7) 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(8) and 28(9) 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

- (3) Section 5 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(3).
- (4) 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.
- (5) 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).
- (6) Section 27 was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 179(3).
- (7) 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.
- (8) 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.
- (9) 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.

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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(10), 19(4)(11), 22(12), 24(13), 26, 28 to 30(13), 32(13) and 43(14) of, and Schedule 1(13) 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(15); 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—

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- (10) 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.
 - (11) 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.
 - (12) 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.
 - (13) 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.
 - (13) 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.
 - (13) 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.
 - (14) 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).
 - (13) 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.
 - (15) 1995 c. 46.

- (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.
- (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

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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—

- (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.