

SCHEDULE 3

FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: PRISONERS ETC. – FUNCTIONS UNDER THE 1989 ACT AND THE 1993 ACT

PART I

TRANSFERRED PRISONERS WHO ARE SENTENCED ON OR AFTER 1ST OCTOBER 1993

Restricted transfers from Scotland to England and Wales

1.—(1) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of Schedule 1 to the 1997 Act (transfer of prisoners: general, for trial and for other judicial purposes) from Scotland to England and Wales is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 10(2) of Schedule 1 to the 1997 Act⁽¹⁾—

sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 and Schedules 2 and 6 or, as the case may require, sections 1(4), 2, 3, 6(1)(b)(i) and (iii), 11 to 13 and 17⁽²⁾.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act (transfer of supervision of released prisoners) of a person's supervision from Scotland to England and Wales is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 10(5) of Schedule 1 to the 1997 Act⁽³⁾—

sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 and Schedules 2 and 6, or, as the case may require, sections 2(4), 11 to 13 and 17.

(1) Paragraph 10(2) was amended by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 135(5).

(2) Sections 1A, 3A and 26A were inserted by the Crime and Disorder Act 1998, sections 111, 88 and 87 respectively.

(3) Paragraph 10(5) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(5).