

SCHEDULE 3

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

PART II

TRANSFERRED PRISONERS WHO ARE SENTENCED BEFORE 1ST OCTOBER 1993

Restricted transfers from Scotland to England and Wales

5.—(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 from Scotland to England and Wales is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the provisions of the 1989 and 1993 Acts specified below but only to the extent they are applied by paragraph 10(2)(a) of Schedule 1 to the 1997 Act (as read with paragraph 11(2)(a) of Schedule 5 to the 1997 Act)(1)–

- (a) in the 1989 Act, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 and Schedule 1 to the 1989 Act and any rules made under section 18 or 39; and
- (b) in the 1993 Act, Schedule 6.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Scotland to England and Wales is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1989 Act and 1993 Act but only to the extent they are applied by paragraph 10(5) of Schedule 1 to the 1997 Act (as read with paragraph 11(2)(b) and (c) of Schedule 5 to the 1997 Act)–

- (a) in the 1989 Act, sections 18, 22, 28, 30, 32 and 43; and
- (b) in the 1993 Act, Schedule 6.

Restricted transfers from Scotland to Northern Ireland

6.—(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 from Scotland to Northern Ireland is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1989 and 1993 Acts specified below but only to the extent they are applied by paragraph 11(2) of Schedule 1 to the 1997 Act (as read with paragraph 12(2)(a) of Schedule 5 to the 1997 Act)(2)–

- (a) in the 1989 Act, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 and Schedule 1 and any rules made under section 18 or 39 of that Act; and
- (b) in the 1993 Act, Schedule 6.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Scotland to Northern Ireland is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1989 Act and 1993 Act specified below but only to the extent they are applied by paragraph 11(4) of Schedule 1 to the 1997 Act (as read with paragraph 12(2)(b) of Schedule 5 to the 1997 Act)–

(1) Paragraph 11(2) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 138(2).

(2) Paragraph 12 of Schedule 5 was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 138(3).

Status: This is the original version (as it was originally made).

- (a) in the 1989 Act, sections 18, 22, 28, 30, 32 and 43; and
- (b) in the 1993 Act, Schedule 6.

Restricted transfers from Scotland to Guernsey or Jersey

7.—(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 from Scotland to Guernsey or Jersey is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the 1989 and 1993 Acts specified below but only to the extent they are applied by paragraph 5(2) of Schedule 1 to the 1998 Order (as read with paragraphs 6(1)(a) and 8(1)(a) of Schedule 2 to the 1998 Order)–

- (a) in the 1989 Act, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 and Schedule 1 and any rules made under section 18 or 39 of that Act; and
- (b) in the 1993 Act, Schedule 6.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Scotland to Guernsey or Jersey is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1989 Act and 1993 Act but only to the extent they are applied by paragraph 5(4) of Schedule 1 to the 1998 Order (as read with paragraphs 6(1)(b) and 8(1)(b) of Schedule 2 to the 1998 Order)–

- (a) in the 1989 Act, sections 18, 22, 28, 30, 32 and 43; and
- (b) in the 1993 Act, Schedule 6.

Restricted transfers from Scotland to the Isle of Man

8.—(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 from Scotland to the Isle of Man⁽³⁾ and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1989 Act but only to the extent it is applied by paragraph 6(2) of Schedule 1 to the 1998 Order (as read with paragraph 7(1)(a) of Schedule 2 to the 1998 Order)–

sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 and Schedule 1 and any rules made under section 18 or 39.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act⁽⁴⁾ of a person's supervision from Scotland to the Isle of Man is a restricted transfer and he is a person to whom the existing provisions apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1989 Act and 1993 Act but only to the extent they are applied by paragraph 6(4) of Schedule 1 to the 1998 Order (as read with paragraph 7(1)(b) of Schedule 2 to the 1998 Order)–

- (a) in the 1989 Act, sections 18, 22, 28, 30, 32 and 43; and
- (b) in the 1993 Act, Schedule 6.

(3) Paragraphs 1(1)(b), 2(1)(b) and 3(1)(b) were extended to the Isle of Man by S.I.1997/1775.

(4) Paragraph 4(1) was extended to the Isle of Man by S.I. 1997/1775.