

Changes to legislation: Crime (Sentences) Act 1997, Paragraph 1 is up to date with all changes known to be in force on or before 02 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

TRANSFER OF PRISONERS WITHIN THE BRITISH ISLANDS

Modifications etc. (not altering text)

- C1** Sch. 1: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 4(1), Sch. 2 para. 3
- C1** Sch. 1 excluded (1.1.1998) by S.I. 1997/2200, art. 5(6)
Sch. 1 excluded (18.9.1998) by S.I. 1998/2251, art. 16(5).
Sch. 1 excluded (1.9.2001) by 2001 c. 17, s. 42(5) (with s. 78); S.I. 2001/2161, art. 2
Sch. 1 extended (1.9.2001) by 2001 c. 17, s. 46(1) (with s. 78); S.I. 2001/2161, art. 2

PART I

POWERS OF TRANSFER

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. I extended (with modifications) (18.12.1998) by S.I. 1998/2798, arts. 2, 3, Schs.1, 2.

Transfer of prisoners: general

- 1 (1) The Secretary of State may, on the application of—
- (a) a person remanded in custody in any part of the United Kingdom in connection with an offence; or
 - (b) a person serving a sentence of imprisonment in any part of the United Kingdom,
- make an order for his transfer to another part of the United Kingdom or to any of the Channel Islands, there to be remanded in custody pending his trial for the offence or, as the case may be, to serve the whole or any part of the remainder of his sentence, and for his removal to an appropriate institution there.
- (2) Where—
- (a) a person is remanded in custody in any of the Channel Islands in connection with an offence; or
 - (b) a person has been sentenced to imprisonment in any of the Channel Islands,
- the Secretary of State may, without application in that behalf, make an order for his transfer to any part of the United Kingdom, there to be remanded in custody pending his trial for the offence or, as the case may be, to serve the whole or any part of his sentence or the remainder of his sentence, and for his removal to an appropriate institution there.

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[^{F1}(2A) If it appears to [^{F2}the Department of Justice in Northern Ireland or] the Secretary of State that—

- (a) a person remanded in custody in Northern Ireland in connection with an offence, or
- (b) a person serving a sentence of imprisonment in Northern Ireland;

should be transferred to another part of the United Kingdom in the interests of maintaining security or good order in any prison in Northern Ireland, [^{F3}the Department of Justice in Northern Ireland or (as the case may be) the Secretary of State may] make an order for his transfer to that other part, there to be remanded in custody pending his trial or, as the case may be, to serve the whole or any part of the remainder of his sentence, and for his removal to an appropriate institution there.]

[^{F4}(2B) But the Secretary of State may make an order under sub-paragraph (2A) only if—

- (a) the Secretary of State is of the view that the transfer is in the interests of national security, or
- (b) the Secretary of State’s view that the person should be transferred is arrived at (wholly or partly) on the basis of protected information.

“Protected information” means information the disclosure of which may, in the view of the Secretary of State, be against the interests of national security.]

(3) In this paragraph “appropriate institution”—

- (a) in relation to a person remanded in custody, means any prison or other institution;
- (b) in relation to a person sentenced to imprisonment, means, subject to sub-paragraph (4) below, any institution which would be appropriate for the detention of an offender of the same age serving an equivalent sentence passed by a court in the country or island to which he is transferred.

(4) Sub-paragraph (3)(b) above shall have effect in relation to a person serving a sentence of a length which could not have been passed on an offender of his age by a court in the place to which he has been transferred as if it defined “appropriate institution” as meaning such place as the Secretary of State may direct.

[^{F5}(5) This paragraph has effect subject to the following modifications—

- (a) in relation to the transfer to another part of the United Kingdom of a person remanded in custody in Northern Ireland or serving a sentence of imprisonment in Northern Ireland, any reference in sub-paragraph (1) to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland;
- (b) in determining the meaning of “appropriate institution” in relation to a person transferred to Northern Ireland from another part of the United Kingdom, any reference in sub-paragraph (4) to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland.]

Textual Amendments

F1 Sch. 1 para. 1(2A) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 13\(2\), 19\(1\)](#); [S.R. 2004/267, art. 2](#)

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- F2** Words in Sch. 1 para. 1(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 16(2)(a)** (with arts. 28-31)
- F3** Words in Sch. 1 para. 1(2A) substituted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 16(2)(b)** (with arts. 28-31)
- F4** Sch. 1 para. 1(2B) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 16(3)** (with arts. 28-31)
- F5** Sch. 1 para. 1(5) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 16(4)** (with arts. 28-31)

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1-7 extended (with modifications) (1.10.1997) by S.I. 1997/1775, **art. 2**, Sch.; S.I. 1997/2200, **art. 2**
- C2** Sch. 1 para. 1(1)(4) amended (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 130(2)**; S.I. 1998/3178, **art. 3**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)