

Changes to legislation: Crime (Sentences) Act 1997, Part I is up to date with all changes known to be in force on or before 13 April 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)

- C2** 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**
- C3** 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**

Transfer of prisoners for trial

- 2 (1) If it appears to the Secretary of State that—
- (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,
- should be transferred to another part of the United Kingdom or to any of the Channel Islands for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that other part or that island and for his removal to a prison or other institution there.
- (2) If it appears to the Secretary of State that—
- (a) a person remanded in custody in any of the Channel Islands in connection with an offence; or
 - (b) a person serving a sentence of imprisonment in any of the Channel Islands,
- should be transferred to a part of the United Kingdom for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that part and for his removal to a prison or other institution there.
- (3) Where a person has been transferred under sub-paragraph (1)(a) or (2)(a) above for the purpose of any proceedings, the Secretary of State may, if that person is not sentenced to imprisonment in those proceedings, make an order for his return to the country or island from which he was transferred under that sub-paragraph.
- (4) Where a person has been transferred under sub-paragraph (1)(b) or (2)(b) above for the purpose of any proceedings, the Secretary of State may—
- (a) if that person is sentenced to imprisonment in those proceedings, make an order under paragraph 1(1)(b) or (2)(b) above (but without application in that behalf) transferring him back to the country or island from which he was transferred under that sub-paragraph;
 - (b) if he is not so sentenced, make an order for his return to the said country or island, there to serve the remainder of the sentence referred to in that sub-paragraph.

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- [^{F6}(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 relation to a person who has been transferred from Northern Ireland to another part of the United Kingdom, any reference in sub-paragraph (3) or (4) to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland.]

Textual Amendments

F6 Sch. 1 para. 2(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. 17** (with arts. 28-31)

Modifications etc. (not altering text)

C4 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

C5 Sch. 1 para. 2(1)(3)(4) amended (1.7.1999) by [S.I. 1999/1820](#), arts. 1(2), 4, **Sch. 2 Pt. I para. 130(3)**; [S.I. 1998/3178](#), art. 3

Transfer of prisoners for other judicial purposes

- 3 (1) If the Secretary of State is satisfied, in the case of—
- (a) a person remanded in custody in any part of the United Kingdom in connection with an offence;
 - (b) a person serving a sentence of imprisonment in any part of the United Kingdom; or
 - (c) a person not falling within paragraph (a) or (b) above who is detained in a prison in any part of the United Kingdom,
- that the attendance of that person at any place in that or any other part of the United Kingdom or in any of the Channel Islands is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.
- (2) If the Secretary of State is satisfied, in the case of—
- (a) a person remanded in custody in any of the Channel Islands in connection with an offence;
 - (b) a person serving a sentence of imprisonment in any of the Islands; or
 - (c) a person not falling within paragraph (a) or (b) above who is detained in a prison in any of the Channel Islands,
- that the attendance of that person at any place in the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.
- (3) Where any person is directed under this paragraph to be taken to any place he shall, unless the Secretary of State otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison or other institution or place in which he is required in accordance with law to be detained.

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- [^{F7}(4) This paragraph has effect subject to the following modifications—
- (a) in relation to the attendance at a place in Northern Ireland or any other part of the United Kingdom of a person who is remanded in custody in, serving a sentence of imprisonment in, or otherwise detained in a prison 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 relation to a person who is directed by the Department of Justice in Northern Ireland to be taken to any place under this paragraph, any reference in sub-paragraph (3) to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland.]

Textual Amendments

F7 Sch. 1 para. 3(4) 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. 18** (with arts. 28-31)

Modifications etc. (not altering text)

C6 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

C7 Sch. 1 para. 3(1)(3) amended (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 1(4)**; S.I. 1998/3178, art. 3

Transfer of supervision of released prisoners

- 4 (1) The Secretary of State may, on the application of a person undergoing or about to undergo supervision in any part of the United Kingdom, make an order for the transfer of his supervision to another part of the United Kingdom or to any of the Channel Islands, that is to say, an order—
- (a) for his supervision or, as the case may be, the remainder of his supervision to be undergone in that country or island; and
 - (b) for responsibility for his supervision to be transferred to an appropriate person there.
- (2) The Secretary of State may, on the application of a person undergoing or about to undergo supervision in any of the Channel Islands, make an order for the transfer of his supervision to any part of the United Kingdom, that is to say, an order—
- (a) for his supervision or, as the case may be, the remainder of his supervision to be undergone in that country; and
 - (b) for responsibility for his supervision to be transferred to an appropriate person there.
- [^{F8}(3) In relation to the transfer to another part of the United Kingdom of the supervision of a person undergoing or about to undergo supervision 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.]

Textual Amendments

F8 Sch. 1 para. 4(3) 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. 19** (with arts. 28-31)

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Modifications etc. (not altering text)

- C8** 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](#)
- C9** Sch. 1 para. 4(1) amended (1.7.1999) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), [Sch. 2 Pt. I para. 130\(5\)](#); [S.I. 1998/3178](#), [art. 3](#)

Conditions of transfers

- 5 (1) A transfer under this Part [^{F9}(other than a transfer under paragraph 1(2A))] shall have effect subject to such conditions (if any) as the Secretary of State may think fit to impose.
- (2) Subject to sub-paragraph (3) below, a condition imposed under this paragraph may be varied or removed at any time.
- (3) Such a condition as is mentioned in paragraph 6(1)(a) below shall not be varied or removed except with the consent of the person to whom the transfer relates.
- [^{F10}(4) In relation to a transfer under this Part which is the subject of an order or direction made by the Department of Justice 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.]

Textual Amendments

- F9** Words in Sch. 1 para. 5(1) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), [ss. 13\(3\), 19\(1\)](#); [S.R. 2004/267](#), [art. 2](#)
- F10** Sch. 1 para. 5(4) 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. 20](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C10** 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](#)
- C11** Sch. 1 para. 5(1) amended (1.7.1999) by [S.I. 1999/1820](#), [arts. 1\(2\), 4](#), [Sch. 2 Pt. I para. 130\(6\)](#); [S.I. 1998/3178](#), [art. 3](#)

[^{F11}Conditions of transfer under paragraph 1(2A)

Textual Amendments

- F11** Sch. 1 para. 5A and cross-heading inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), [ss. 13\(4\), 19\(1\)](#); [S.R. 2004/267](#), [art. 2](#)

- 5A (1) A transfer under paragraph 1(2A) shall have effect subject to—
- (a) such a condition as is mentioned in paragraph 6(1)(a); and
- (b) such other conditions (if any) [^{F12}—
- (i) as the Department of Justice in Northern Ireland may think fit to impose, in the case of an order made by the Department, or
- (ii) as the Secretary of State may think fit to impose, in the case of an order made by the Secretary of State.]

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- (2) Such a condition as is mentioned in paragraph 6(1)(a) shall not be varied or removed.
- (3) A condition imposed under sub-paragraph (1)(b) may be varied or removed at any time [^{F13}by the person who imposed it].]

Textual Amendments

- F12** Words in Sch. 1 para. 5A(1)(b) 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. 21(2)** (with arts. 28-31)
- F13** Words in Sch. 1 para. 5A(3) 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. 21(3)** (with arts. 28-31)

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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](#)