

Changes to legislation: Crime (Sentences) Act 1997, Cross Heading: Restricted transfers from Scotland to Northern Ireland is up to date with all changes known to be in force on or before 09 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 II

EFFECT OF TRANSFERS

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. II excluded (28.7.1998) by 1998 c. 35, s. 17, Sch. 3 para. 9(1); S.I. 1998/1858, art.2.

Restricted transfers from Scotland to Northern Ireland

- 11 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) above from Scotland to Northern Ireland is a restricted transfer—
- sections 65 and 147 of the ^{M1}Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoner remanded in custody) shall apply to him as if they were part of the law of Northern Ireland; but
 - subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Northern Ireland.
- (2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) from Scotland ^{F1}to Northern Ireland is a restricted transfer—
- ^{F2}sections 1, ^{F3}1AA, ^{F4}1AB, 1A, ^{F5}1B, 3, 3AA, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, ^{F6}26ZA, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act] or, as the case may require, sections 1(4), 2, 3, ^{F7}6(1)(b)(i) and (iii), 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but
 - subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if

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his sentence had been an equivalent sentence passed by a court in Northern Ireland.

- (3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he is transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.
- (4) Where a transfer under paragraph 4(1) above of a person's supervision from Scotland to Northern Ireland is a restricted transfer—
- (a) [F8sections [F91AA, 1A, [F101B,] 3AA] , 3A, 11 to 13, 15 to 21, [F1126ZA,] 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act] or, as the case may require, sections 2(4), 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Northern Ireland; but
 - (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Northern Ireland.
- (5) [F12Sub-paragraph (6)] of paragraph 10 above shall apply for the purposes of this paragraph as it applies for the purposes of that paragraph.
- (6) Any provision of Part I of the 1993 Act ^{F13} . . . which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

<i>Expression</i>	<i>Substituted expression</i>
Chief social work officer	Chief Officer of a Board or an authorised Health and Social Services (HSS) Trust
Justices for a petty sessions area	Probation Board for Northern Ireland
[F14[F15Officer of a local probation board] appointed for or assigned to such petty sessions area [F16or officer of a provider of probation services acting in such local justice area]	Probation Officer appointed by the Probation Board for Northern Ireland]

Textual Amendments

- F1** Word in Sch. 1 para. 11(2) substituted (S.) (8.2.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 21\(8\)\(b\)\(i\), 24\(2\); S.S.I. 2006/48, art. 3\(1\), sch. Pt. 1](#); substitution extended to E.W. and N.I. (1.4.2006) by [The Management of Offenders etc. \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2006 \(S.I. 2006/1055\), art. 3](#)
- F2** Words in Sch. 1 para. 11(2)(a) substituted (30.9.1998) by [1998 c. 37, s. 119, Sch. 8 para. 135\(6\)\(a\)\(i\); S.I. 1998/2327, art. 2\(2\)\(oo\)](#).
- F3** Words in Sch. 1 para. 11(2) substituted (8.2.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 21\(8\)\(b\)\(ii\), 24\(2\); S.S.I. 2006/48, art. 3\(1\), sch. Pt. 1](#); substitution extended to E.W. and N.I.

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(1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3

- F4** Word in Sch. 1 para. 11(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(a)**
- F5** Word in Sch. 1 para. 11(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(i)**
- F6** Word in Sch. 1 para. 11(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(ii)**
- F7** Words in Sch. 1 para. 11(2)(a) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(a)(ii)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F8** Words in Sch. 1 para. 11(4)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(b)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F9** Words in Sch. 1 para. 11(4)(a) substituted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 21(8)(c)**, 24(2); S.S.I. 2006/48, art. 3(1), sch. Pt. 1; substitution extended to E.W. and N.I. (1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3
- F10** Word in Sch. 1 para. 11(4)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(i)**
- F11** Word in Sch. 1 para. 11(4)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(ii)**
- F12** Words in Sch. 1 para. 11(5) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(c)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F13** Words in Sch. 1 para. 11(6) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(6)(d), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F14** Entry in Sch. 1 para. 11 substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(d)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F15** Words in Sch. 1 para. 11(6) Table substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 143**; S.I. 2001/919, **art. 2(f)(ii)**
- F16** Words in Sch. 1 para. 11(6) Table inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), **Sch. 1 para. 12(3)(b)**

Modifications etc. (not altering text)

- C1** Sch. 1 para. 11(3)(6) amended (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 130(9)**; S.I. 1998/3178, **art. 3**

Marginal Citations

- M1** 1995 c.46.

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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](#)