

## SCHEDULES

### SCHEDULE 1

#### TRANSFER OF PRISONERS WITHIN THE BRITISH ISLANDS

#### PART III

#### SUPPLEMENTAL

##### *Prisoners unlawfully at large*

- 17 (1) The following enactments (relating to the arrest and return of prisoners and other persons unlawfully at large), namely—
- (a) section 49(1) of the Prison Act 1952;
  - (b) section 40(1) of the Prisons (Scotland) Act 1989; and
  - (c) section 38(1) of the Prison Act (Northern Ireland) 1953,
- shall extend throughout the United Kingdom and the Channel Islands.
- (2) Any reference in those enactments to a constable shall include a reference—
- (a) to a person being a constable under the law of any part of the United Kingdom;
  - (b) to a police officer within the meaning of the Police Force (Jersey) Law 1974 or any corresponding law for the time being in force; and
  - (c) to an officer of police within the meaning of section 31(4) of the Theft (Bailiwick of Guernsey) Law 1983 or any corresponding law for the time being in force.
- (3) Those enactments shall also apply to persons who, being unlawfully at large under the law of any of the Channel Islands, are for the time being within the United Kingdom as they apply to persons unlawfully at large under the law of any part of the United Kingdom.
- (4) Any person arrested in the United Kingdom under those enactments as applied by sub-paragraph (3) above may be taken to the place in the Channel Islands in which he is required in accordance with the law in force there to be detained.
- (5) Where a person who, having been sentenced to imprisonment, is unlawfully at large during any period during which he is liable to be detained in a prison in any part of the United Kingdom is sentenced to imprisonment by a court in another part of the United Kingdom—
- (a) the provisions of Part II of this Schedule relating to the treatment of persons transferred under sub-paragraph (1)(b) of paragraph 1 above shall apply to him, while he remains in that other part of the United Kingdom, as if he had been transferred there under that sub-paragraph immediately before he was so sentenced; and

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- (b) the Secretary of State may, if he thinks fit, make an order under that subparagraph (but without application in that behalf) transferring him back to the part of the United Kingdom from which he was unlawfully at large.
- (6) In the following provisions, namely—
- (a) paragraph (a) of the proviso to section 49(2) of the Prison Act 1952 (which in effect enables a person who is unlawfully at large during the currency of his original sentence to count towards that sentence any period during which he is detained in pursuance of a sentence of any court);
  - (b) the proviso to section 40(2) of the Prisons (Scotland) Act 1989 (which contains corresponding provisions for Scotland); and
  - (c) section 38(3) of the Prison Act (Northern Ireland) 1953 (which contains corresponding provisions for Northern Ireland),
- references to a court shall include references to any court in the United Kingdom.

*Subsequent sentence in case of transferred prisoners*

- 18 (1) The power of a court in any part of the United Kingdom to order that the term of any sentence of imprisonment passed by the court shall commence at or before the expiration of another term of imprisonment shall include power to make such an order where that other term was imposed by sentence of a court elsewhere in the United Kingdom or in any of the Channel Islands if the offender—
- (a) is serving that other sentence in that part of the United Kingdom; or
  - (b) is for the time being present in that part of the United Kingdom,
- by virtue of an order under this Schedule, or is unlawfully at large under the law of the country or island in which that other sentence was passed.
- (2) The provisions of this paragraph shall be without prejudice to the powers exercisable by any court apart from those provisions.

*Application to the Isle of Man*

- 19 (1) Her Majesty may by Order in Council direct that any of the foregoing provisions of this Schedule which extend to, or apply in relation to, the Channel Islands shall extend to, or apply in relation to, the Isle of Man with such modifications (if any) as Her Majesty considers appropriate.
- (2) An Order in Council under this paragraph may make such consequential, incidental, transitional and supplementary provision as Her Majesty considers appropriate.
- (3) An Order in Council under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Interpretation*

- 20 (1) In this Schedule—
- “prison”, unless the context otherwise requires, includes a young offender institution, a young offenders institution, a young offenders centre and a remand centre;
  - “sentence of imprisonment” includes any sentence of detention and a sentence of custody for life under section 8 of the 1982 Act, and cognate expressions shall be construed accordingly;

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“supervision” means supervision in pursuance of an order made for the purpose or, in the case of a person released from prison on licence, in pursuance of a condition contained in his licence.

- (2) References in this Schedule to a person being remanded in custody are references to his being remanded in or committed to custody by an order of a court.
- (3) In determining, in relation to any person serving a sentence of imprisonment, the time which is to be served in respect of an equivalent sentence treated as passed in another country or island, regard shall be had, not only to any time already served by him, but also to—
  - (a) any periods for which he has been remanded in custody, being either—
    - (i) periods by which his sentence falls to be reduced; or
    - (ii) periods which have been directed to count as time served as part of his sentence; and
  - (b) any early release or additional days awarded to him.