

SCHEDULES

SCHEDULE 2

REPATRIATION OF PRISONERS TO THE BRITISH ISLANDS

Prisoners repatriated to Scotland

- 5 (1) This paragraph applies in relation to—
- (a) prisoners repatriated to Scotland before 25th October 1996 (the “relevant date”) who were still serving sentences, which were imposed before 1st October 1993 in the country or territory from which they were transferred, on the relevant date; and
 - (b) prisoners repatriated to Scotland in respect of such sentences on or after the relevant date.
- (2) Paragraph 2 of the Schedule to the 1984 Act, as originally enacted, shall have effect, and shall be deemed to have had effect since 16th February 1990, as if—
- (a) in sub-paragraph (1), for the words “section 60 of the Criminal Justice Act 1967” there were substituted the words “section 22 of the Prisons (Scotland) Act 1989”; and
 - (b) at the end there were added the following sub-paragraph—
- “(3) In this paragraph “sentence” means the provision included in a warrant which is equivalent to a sentence.”
- 6 (1) This paragraph applies in relation to—
- (a) prisoners repatriated to Scotland before 25th October 1996 (the “relevant date”) who were still serving sentences, which were imposed on or after 1st October 1993 in the country or territory from which they were transferred, on the relevant date; and
 - (b) prisoners repatriated to Scotland in respect of such sentences on or after the relevant date and before the commencement of this Schedule.
- (2) Paragraph 2 of the Schedule to the 1984 Act shall have effect, and shall be deemed always to have had effect, with the omission of sub-paragraph (1A) and the insertion after sub-paragraph (2) of the following sub-paragraphs—
- “(3) The question whether the prisoner is a short-term or long-term prisoner for the purposes of the enactments relating to release on licence shall be determined by reference to the length of the sentence imposed in the country or territory from which he is transferred.
 - (4) For the purposes of Schedule 6 to the Prisoners and Criminal Proceedings (Scotland) Act 1993 a prisoner’s sentence shall be deemed to have been imposed on the day on which the relevant provisions take effect.
 - (5) In this paragraph—

Status: This is the original version (as it was originally enacted).

“the enactments relating to release on licence” means sections 1(2) and (3), 2(2) and (7) and 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993;

“sentence”, except in sub-paragraph (3) above, means the provision included in the warrant which is equivalent to a sentence.”

- 7 (1) This paragraph applies in relation to prisoners repatriated to Scotland after the commencement of this Schedule whose sentences in the country or territory from which they are transferred were imposed on or after 1st October 1993 for offences committed before the commencement of section 33 of the Crime and Punishment (Scotland) Act 1997.

- (2) In paragraph 2 of the Schedule to the 1984 Act, for sub-paragraphs (1A) and (2) there shall be substituted the following sub-paragraphs—

“(2) If the warrant specifies a period to be taken into account for the purposes of sections 1(3) and 2(2) and (7) of the Prisoners and Criminal Proceedings (Scotland) Act 1993—

(a) the amount of time the prisoner has served; and

(b) where his sentence is a determinate one, his sentence,

shall, so far only as the question whether he has served any particular proportion or part of his sentence is concerned, be deemed to be increased by that period.

(3) The question whether the prisoner is a long-term prisoner for the purposes of the enactments relating to release on licence shall be determined by reference to the length of the sentence imposed in the country or territory from which he is transferred.

(4) For the purposes of Schedule 6 to the Prisoners and Criminal Proceedings (Scotland) Act 1993 a prisoner’s sentence shall be deemed to have been imposed on the day on which the relevant provisions take effect.

(5) In this paragraph—

“the enactments relating to release on licence” means sections 1(2) and (3), 2(2) and (7) and 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993;

“sentence”, except in sub-paragraph (3) above, means the provision included in the warrant which is equivalent to a sentence.”

- 8 (1) This paragraph applies in relation to prisoners repatriated to Scotland after the commencement of this Schedule whose sentences in the country or territory from which they are transferred were imposed for offences committed after the commencement of section 33 of the Crime and Punishment (Scotland) Act 1997.

- (2) For paragraph 2 of the Schedule to the 1984 Act there shall be substituted the following paragraph—

“Early release

- 2 The prisoner’s sentence, that is to say, the provision included in the warrant which is equivalent to a sentence, shall be deemed—

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

- (a) for the purposes of Chapter I of Part III of the Crime and Punishment (Scotland) Act 1997, to have been imposed on the day on which the relevant provisions take effect;
- (b) for the purposes of section 2(2) and (7) of the Prisoners and Criminal Proceedings (Scotland) Act 1993, to have been imposed on the same day as the sentence imposed in the country or territory from which he is transferred.”

(3) For paragraph 3 of that Schedule there shall be substituted the following paragraph—

“Life imprisonment

- 3 Where the relevant provisions include provision equivalent to a sentence in relation to which subsection (4) of section 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (power to release certain life prisoners etc.) applies, that subsection shall have effect as if the reference to consultation with the trial judge if available were omitted.”