

**Changes to legislation:** *Crime (Sentences) Act 1997, Cross Heading: Transfers of prisoners from Scotland to England and Wales is up to date with all changes known to be in force on or before 23 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 5

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Transfers of prisoners from Scotland to England and Wales*

- 11 <sup>F1</sup>(1) . . . . .
- (2) In relation to any prisoner to whom the existing provisions apply, paragraph 10 of Schedule 1 to this Act shall have effect as if—
- (a) references in sub-paragraph (2) to [<sup>F2</sup>sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M1</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)] were references to Schedule 6 to the 1993 Act and to the following existing provisions, namely, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 of, and Schedule 1 to, [<sup>F2</sup>the Prisons (Scotland) Act 1989 (“the 1989 Act”)] and any rules made under section 18 or 39 of that Act;
  - (b) references in sub-paragraph (5) to [<sup>F3</sup>sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act] were references to the said Schedule 6 and to the following existing provisions, namely, sections 30, 32 and 43 of the 1989 Act; and
  - (c) the reference in sub-paragraph (7) to any provision of Part I of the 1993 Act <sup>F4</sup>. . . were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (3) <sup>F4</sup>. . . In sub-paragraph (2) above—
- (a) the reference to section 19(4) of the 1989 Act is a reference to that provision so far as it applies section 24 of that Act in relation to persons detained in young offenders institutions; and
  - (b) any reference to the existing provisions is a reference to the existing provisions within the meaning of Schedule 6 to the 1993 Act.

#### Textual Amendments

- F1** Sch. 5 para. 11(1) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(c), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.
- F2** Words in Sch. 5 para. 11(2)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 138(2)(a)**; S.I. 1998/2327, **art. 2(2)(pp)**.
- F3** Words in Sch. 5 para. 11(2)(b) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 138(2)(b)**; S.I. 1998/2327, **art. 2(2)(pp)**.
- F4** Words in Sch. 5 para. 11(2)(c)(3) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(c), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

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**Modifications etc. (not altering text)**

**C1** Sch. 5 para. 11(3) amended (1.7.1999) by S.I. 1999/1280, arts. 1(2), 4, **Sch. 2 Pt. I para. 130**(12; S.I. 1998/3178, **art. 3**)

**Marginal Citations**

**M1** 1993 c.9.

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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](#)