

SCHEDULES

SCHEDULE 5

TRANSITIONAL PROVISIONS AND SAVINGS

Transfers of prisoners from Scotland to England and Wales

- 11 (1) In relation to any prisoner sentenced on or after 1st October 1993 in respect of an offence committed before the commencement of section 33 of the Crime and Punishment (Scotland) Act 1997 (“the 1997 Act”), paragraph 10 of Schedule 1 to this Act shall have effect as if—
- (a) references in sub-paragraph (2) to sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”) and to sections 33(5), 34, 37 and 39 of the 1997 Act were references to sections 1 to 3, 5, 6(1)(a) and (b)(i) and (iii), 9, 11 to 13, 15 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
 - (b) references in sub-paragraph (5) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 Act were references to sections 11 to 13, 15 to 21 and 27 of, and Schedules 2 and 6 to, the 1993 Act;
 - (c) references in that sub-paragraph to sections 2(4), 11 to 13 and 17 of the 1993 Act were references to sections 26 and 28 of the Prisons (Scotland) Act 1989 (“the 1989 Act”); and
 - (d) the reference in sub-paragraph (7) to any provision of Part I of the 1993 Act or Part III of the 1997 Act were a reference to any provision of the 1993 Act.
- (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 sections 15, 18 and 19 of the 1993 Act and to sections 33(5), 34, 37 and 39 of the 1997 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, the 1989 Act and any rules made under section 18 or 39 of that Act;
 - (b) references in sub-paragraph (5) to sections 15, 18 and 19 of the 1993 Act and to sections 33(5) and 37 of the 1997 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 or Part III of the 1997 Act were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (3) In sub-paragraph (1) above the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the Criminal Procedure (Scotland) Act 1995; and in sub-paragraph (2) above—

Status: This is the original version (as it was originally enacted).

- (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.