

**Changes to legislation:** Criminal Law Act 1977, CRIMINAL JUSTICE ACT 1961 (c. 39) is up to date with all changes known to be in force on or before 28 May 2023. 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

### <sup>XI</sup>SCHEDULE 12

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Editorial Information

- X1** The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### CRIMINAL JUSTICE ACT 1961 (C. 39)

1 ..... **F1**

##### Textual Amendments

- F1** Paras. 1, 2(3)(4) of the entries relating to [Criminal Justice Act 1961 \(c.39\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

- 2 (1) Section 26 (transfer of prisoner to serve sentence) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to order transfer of prisoner from one part of the United Kingdom to another)—
- (a) after “to another part of the United Kingdom” insert “or to any of the Channel Islands or the Isle of Man”; and
- (b) for “in that part of the United Kingdom” substitute “there”.
- (3) ..... **F2**

##### Textual Amendments

- F2** Paras. 1, 2(3)(4) of the entries relating to [Criminal Justice Act 1961 \(c.39\)](#) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

- 3 (1) Section 28 (transfer of prisoner for trial) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to order transfer from one part of the United Kingdom to another)—
- (a) after “to another part of the United Kingdom” insert “or to any of the Channel Islands or the Isle of Man”; and
- (b) after “that other part” insert “or that island”.
- (3) After subsection (1) insert—

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- “(1A) If it appears to the Secretary of State that a person serving a sentence of imprisonment or detention in any of the Channel Islands or the Isle of Man should be transferred to a part of the United Kingdom for the purpose of attending criminal proceedings against him there, the Secretary of State may make an order for his transfer to that part and for his removal to a prison or other institution there.”.
- (4) In subsection (2) (treatment of transferred prisoner while he remains in the part of the United Kingdom to which he has been transferred under subsection (1)), omit “subsection (1) of” and after “United Kingdom” insert “or island”.
- (5) In subsection (3) (transfer back after trial)—
- (a) after “subsection (1)”, wherever occurring, insert “or (1A)”;
  - (b) after “Minister” insert “(in the case of a person so transferred to any part of the United Kingdom) or the Secretary of State (in the case of a person so transferred to any of the Channel Islands or the Isle of Man)”;
  - (c) after “country”, wherever occurring, insert “or island”.
- 4 (1) Section 29 (removal of detained person in the interests of justice or for the purposes of a public inquiry) shall be amended as follows.
- (2) In subsection (1) (power of responsible Minister to direct removal from one place to another within the United Kingdom), after “other part of the United Kingdom” insert “or in any of the Channel Islands or the Isle of Man”.
- (3) After subsection (1) insert—
- “(1A) If the Secretary of State is satisfied, in the case of a person detained in any of the Channel Islands or the Isle of Man in a prison, remand centre or detention centre, that the attendance of that person at any place in the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the Secretary of State may direct that person to be taken to that place.”.
- (4) In subsection (2), for “responsible Minister” substitute “Minister by whom that direction is given”.
- 5 In section 39(1) (interpretation) in paragraph (b) of the definition of “responsible Minister” for “the Minister of Home Affairs for Northern Ireland” substitute “the Secretary of State”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)