



# Crime (Sentences) Act 1997

## 1997 CHAPTER 43

### PART II

#### EFFECT OF CUSTODIAL SENTENCES

### CHAPTER II

#### LIFE SENTENCES

#### *Miscellaneous and supplemental*

### **33 Life prisoners transferred to England and Wales**

- (1) This section applies where, in the case of a transferred life prisoner, the Secretary of State, after consultation with the Lord Chief Justice, certifies his opinion that, if—
- (a) the prisoner's offence had been committed after the commencement of this Chapter; and
  - (b) he had been sentenced for it in England and Wales,
- the court by which he was so sentenced would have ordered that section 28 above should apply to him as soon as he had served a part of his sentence specified in the certificate.
- (2) This section also applies where, in the case of a transferred life prisoner, the Secretary of State certifies his opinion that, if—
- (a) the prisoner's offence had been committed after the commencement of this Chapter; and
  - (b) he had been sentenced for it in England and Wales,
- the Secretary of State would have directed that section 28 above should apply to him as soon as he had served a part of his sentence specified in the certificate.
- (3) In a case to which this section applies, this Chapter except section 29(1) above shall apply as if—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the transferred life prisoner were a life prisoner to whom section 28 above applies; and
  - (b) the relevant part of his sentence within the meaning of section 28 above were the part specified in the certificate.
- (4) In this section “transferred life prisoner” means a person—
- (a) on whom a court in a country or territory outside England and Wales has imposed one or more sentences of imprisonment or detention for an indeterminate period; and
  - (b) who has been transferred to England and Wales, in pursuance of—
    - (i) an order made by the Secretary of State under paragraph 1 of Schedule 1 to this Act or section 2 of the Colonial Prisoners Removal Act 1884; or
    - (ii) a warrant issued by the Secretary of State under the Repatriation of Prisoners Act 1984,
 there to serve his sentence or sentences or the remainder of his sentence or sentences.
- (5) A person who is required so to serve the whole or part of two or more such sentences shall not be treated as a life prisoner to whom section 28 above applies unless the requirements of subsection (1) or (2) above are satisfied as respects each of those sentences; and subsections (5) and (7) of section 28 above shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.

### **34 Interpretation of Chapter II**

- (1) In this Chapter “life prisoner” means a person serving one or more life sentences; but—
- (a) a person serving two or more such sentences shall not be treated as a life prisoner to whom section 28 above applies unless the requirements of section 28(1) above are satisfied as respects each of those sentences; and
  - (b) subsections (5) and (7) of that section shall not apply in relation to such a person until after he has served the relevant part of each of those sentences.
- (2) In this section “life sentence” means any of the following imposed for an offence, whether committed before or after the commencement of this Chapter, namely—
- (a) a sentence of imprisonment for life;
  - (b) a sentence of detention during Her Majesty’s pleasure or for life under section 53 of the 1933 Act; and
  - (c) a sentence of custody for life under section 8 of the 1982 Act.
- (3) In this Chapter “court” includes a court-martial and “trial judge” includes a trial judge advocate; and in subsection (2) above—
- (a) the reference to section 53 of the 1933 Act includes a reference to subsections (3) and (4) of section 71A of the Army Act 1955 and the Air Force Act 1955 and section 43A of the Naval Discipline Act 1957; and
  - (b) the reference to section 8 of the 1982 Act includes a reference to subsections (1A) and (1B) of those sections.