

Changes to legislation: *Crime (Sentences) Act 1997, Cross Heading: Restricted transfers from England and Wales to Northern Ireland is up to date with all changes known to be in force on or before 21 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 1

TRANSFER OF PRISONERS WITHIN THE BRITISH ISLANDS

Modifications etc. (not altering text)

- C1** Sch. 1: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 4(1), Sch. 2 para. 3
- C1** Sch. 1 excluded (1.1.1998) by S.I. 1997/2200, art. 5(6)
Sch. 1 excluded (18.9.1998) by S.I. 1998/2251, art. 16(5).
Sch. 1 excluded (1.9.2001) by 2001 c. 17, s. 42(5) (with s. 78); S.I. 2001/2161, art. 2
Sch. 1 extended (1.9.2001) by 2001 c. 17, s. 46(1) (with s. 78); S.I. 2001/2161, art. 2

PART II

EFFECT OF TRANSFERS

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. II excluded (28.7.1998) by 1998 c. 35, s. 17, Sch. 3 para. 9(1); S.I. 1998/1858, art.2.

Restricted transfers from England and Wales to Northern Ireland

- 9 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) above from England and Wales to Northern Ireland is a restricted transfer—
- ^{F1}(a)
- (b) subject ^{F2}... to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in Northern Ireland.
- (2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) above from England and Wales to Northern Ireland is a restricted transfer—
- ^{F3}(a) sections 241, [^{F4}243A][^{F5}to][^{F6}244A,][^{F7}246A,] 247 to 252 [^{F8}, 254 to [^{F9}264B], 267A and 267B] of [^{F10}, and Schedules 20A and 20B to,] the 2003 Act (fixed-term prisoners) or, as the case may require, [^{F11}sections 241, 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
- (aa) sections 62 [^{F12}, 64 and 64A] of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland; [^{F13}and]

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- ^{F14}(ab)]
- (b) subject to that, to sub-paragraph (3) below and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if that sentence had been an equivalent sentence passed by a court in Northern Ireland.
- (3) A person who has been sentenced to a sentence of a length which could not have been passed on an offender of his age in the place to which he has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.
- (4) Where a transfer under paragraph 4(1) above of a person’s supervision from England and Wales to Northern Ireland is a restricted transfer—
- ^{F15}(a) sections 241, 249 to 252 [^{F16}, 254 to [^{F17}264B] , 267A and 267B] of [^{F18}, and Schedules 20A and 20B to,] the 2003 Act (fixed-term prisoners) or, as the case may require, [^{F19}sections 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
- (aa) sections 62 [^{F20}, 64 and 64A] of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland; [^{F21}and]
- ^{F22}(ab)]
- (b) subject to that and to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of supervision had been an equivalent period of supervision directed to be undergone in Northern Ireland.
- ^{F23}(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a probation appointed for or assigned to the petty sessions district within which the prisoner for the time being resides”.]
- ^{F24}(5A) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a probation officer.]
- ^{F25}(8)]
- ^{F26}(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and
- (b) with the other modifications in sub-paragraph (12).
- (10) In this paragraph “the supervision provisions” means—
- (a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and
- ^{F27}(b) section 247 of the Sentencing Code.]
- (11) The references mentioned in sub-paragraph (9)(a) are—

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TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	County court
Justice of the peace	Lay magistrate
Information	Complaint
Local justice area	Petty sessions district
Magistrates' court	Court of summary jurisdiction
Officer of a provider of probation services	Probation officer
Young offender institution	Young offender centre

- (12) The other modifications mentioned in sub-paragraph (9)(b) are—
- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to—
 - (i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and
 - (ii) a licence under the Northern Ireland (Sentences) Act 1998, Part 3 of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
 - (b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and
 - (c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “ the Department of Justice in Northern Ireland ”.]

Textual Amendments

- F1** Sch. 1 para. 9(1)(a) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(4)(a), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)(3)(x)**.
- F2** Words in Sch. 1 para. 9(1)(b) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(4)(a), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)(3)(x)**.
- F3** Sch. 1 para. 9(2)(a)-(ab) substituted for Sch. 1 para. 9(2)(a) (4.4.2005) by **Criminal Justice Act 2003** (c. 44), s. 336(3)(4), **Sch. 32 para. 85(4)(a)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with saving in Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1)); and Sch. 1 para. 9(2)(a) (in so far as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4.4.2005) amended (14.7.2008) by **Criminal Justice and Immigration Act 2008** (c. 4), s. 153(7), **Sch. 26 para. 32(5)(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(n)
- F4** Word in Sch. 1 para. 9(2)(a) inserted (3.12.2012) by **Legal Aid, Sentencing and Punishment of Offenders Act 2012** (c. 10), s. 151(1), **Sch. 14 para. 2**; S.I. 2012/2906, art. 2(1)
- F5** Word in Sch. 1 para. 9(2)(a) substituted (28.4.2022) by **Police, Crime, Sentencing and Courts Act 2022** (c. 32), **ss. 132(11)(b)**, 208(4)(p)
- F6** Word in Sch. 1 para. 9(2)(a) inserted (13.4.2015) by **Criminal Justice and Courts Act 2015** (c. 2), s. 95(1), **Sch. 1 para. 12(3)**; S.I. 2015/778, art. 3, **Sch. 1 para. 72**

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- F7** Word in Sch. 1 para. 9(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 21 para. 5](#); S.I. 2012/2906, art. 2(s)
- F8** Words in Sch. 1 para. 9(2)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 8](#); S.I. 2012/2906, art. 2(n)
- F9** Word in Sch. 1 para. 9(2)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(2\)\(a\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F10** Words in Sch. 1 para. 9(2)(a) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(2\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F11** Words in Sch. 1 para. 9(2)(a) substituted (1.12.2020) by [The Prison \(Amendment\) Rules 2005 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(4\)\(a\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F12** Words in Sch. 1 para. 9(2)(aa) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 13\(3\)\(a\)](#), 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(l)
- F13** Word in Sch. 1 para. 9(2)(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(4\)\(a\)](#); S.I. 2012/2906, art. 2(h)
- F14** Sch. 1 para. 9(2)(ab) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(4\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F15** Sch. 1 para. 9(4)(a)-(ab) substituted for Sch. 1 para. 9(4)(a) (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 85\(4\)\(b\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with saving in Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); and Sch. 1 para. 9(4)(a) (in so far as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4.4.2005) amended (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 32\(6\)\(7\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(n)
- F16** Words in Sch. 1 para. 9(4)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 8](#); S.I. 2012/2906, art. 2(n)
- F17** Word in Sch. 1 para. 9(4)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(3\)\(a\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F18** Words in Sch. 1 para. 9(4)(a) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(3\)\(b\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F19** Words in Sch. 1 para. 9(4)(a) substituted (1.12.2020) by [The Prison \(Amendment\) Rules 2005 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(4\)\(b\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F20** Words in Sch. 1 para. 9(4)(aa) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 13\(3\)\(a\)](#), 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(l)
- F21** Word in Sch. 1 para. 9(4)(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(4\)\(a\)](#); S.I. 2012/2906, art. 2(h)
- F22** Sch. 1 para. 9(4)(ab) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(4\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F23** Sch. 1 para. 9(5) substituted for Sch. 1 para. 9(5)-(7) (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 85\(4\)\(c\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F24** Sch. 1 para. 9(5A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 13\(3\)\(b\)](#), 22(1) (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(l)
- F25** Sch. 1 para. 9(8) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(4\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F26** Sch. 1 para. 9(9)-(12) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 5\(5\)](#) (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F27** Sch. 1 para. 9(10)(b) substituted (1.12.2020) by [The Prison \(Amendment\) Rules 2005 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(4\)\(c\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2

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C1 Sch. 1 para 9(2)(4) modified (19.9.1998) by [S.I. 1998/2327](#), **art. 5(2)(c)(d)**.

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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](#)