

**Changes to legislation:** Crime (Sentences) Act 1997, Cross Heading: Restricted transfers from Northern Ireland to Scotland is up to date with all changes known to be in force on or before 20 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 Northern Ireland to Scotland*

- 13 (1) Where a person's transfer under paragraph 1(1)(a) [<sup>F1</sup>or (2A)(a)], 2(1)(a) or 3(1)(a) above from Northern Ireland to Scotland is a restricted transfer, subject 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 Scotland.
- (2) Where a person's transfer under paragraph 1(1)(b) [<sup>F2</sup>or (2A)(b)], 2(1)(b) or 3(1)(b) above from Northern Ireland to Scotland is a restricted transfer—
- [<sup>F3</sup>(a) sections 13(7) and 24 of the Prison Act (Northern Ireland) 1953, Articles 3 to 6 of the Treatment of Offenders (Northern Ireland) Order 1976, Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996 and Articles 6 to 9 of the Life Sentences (Northern Ireland) Order 2001 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 [<sup>F4</sup>or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008] shall apply to him in place of the corresponding provisions of the law of Scotland;]
- (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 Scotland.

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- (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.
- [<sup>F5</sup>(3A) Where a transfer under paragraph 1, 2 or 3 is the subject of an order or direction made by the Department of Justice in Northern Ireland, any reference in sub-paragraph (3) to the Secretary of State must be read as a reference to the Department of Justice.]
- (4) Where a transfer under paragraph 4(1) above of a person's supervision from Northern Ireland to Scotland is a restricted transfer, subject 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 Scotland.
- (5) Any provision of the Prison Act (Northern Ireland) 1953, the Treatment of Offenders (Northern Ireland) Order 1976, the Criminal Justice (Northern Ireland) Order 1996 [<sup>F6</sup>, the Life Sentences (Northern Ireland) Order 2001] or the Northern Ireland (Remission of Sentences) Act 1995 [<sup>F7</sup>or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008] which is applied by sub-paragraph (2) above shall have effect (as so applied) as if any reference to an expression specified in the first column of the following Table were a reference to the expression set out opposite it in the second column of that Table.

TABLE

| <i>Expression</i>             | <i>Substituted Expression</i>   |
|-------------------------------|---|
| Complaint on oath             | Evidence on oath  |
| Court of summary jurisdiction | Sheriff   |
| Crown Court                   | High Court of Justiciary  |
| <sup>F8</sup>                 | <sup>F8</sup>   |
| ...                           | ...   |
| Probation officer             | Relevant officer within the meaning of section 27(1) of the <sup>M1</sup><br>Prisoners and Criminal Proceedings (Scotland) Act 1993 |

#### Textual Amendments

- F1** Words in Sch. 1 para. 13(1) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 13\(7\)\(a\), 19\(1\); S.R. 2004/267, art. 2](#)
- F2** Words in Sch. 1 para. 13(2) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 13\(7\)\(b\), 19\(1\); S.R. 2004/267, art. 2](#)
- F3** Sch. 1 para. 13(2)(a) substituted (S.N.I.) (8.10.2001) by [S.I. 2001/2565, arts. 1\(2\), 3\(3\)\(a\); S.R. 2001/337, art. 2](#)
- F4** Words in Sch. 1 para. 13(2)(a) inserted (15.5.2008) by [The Criminal Justice \(Northern Ireland\) Consequential Amendments\) Order 2008 \(S.I. 2008/1241\), arts. 1\(2\), 3\(2\)](#) (see [S.R. 2008/217, art. 2, Sch.](#))

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- F5** Sch. 1 para. 13(3A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 8 para. 24** (with arts. 28-31)
- F6** Words in Sch. 1 para. 13(5) inserted (8.10.2001) by [S.I. 2001/2565](#), **arts. 1(2), 3(3)(b)**; [S.R. 2001/337](#), **art. 2**
- F7** Words in Sch. 1 para. 13(5) inserted (15.5.2008) by [The Criminal Justice \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1241\)](#), arts. 1(2), **3(2)** (see [S.R. 2008/217](#), art. 2, Sch.)
- F8** Entry in Sch. 1 para. 13(5) repealed (30.9.1998) by [1998 c. 37](#), ss. 119, 120(2), Sch. 8 para. 135(8), **Sch. 10**; [S.I. 1998/2327](#), **art. 2(2)(oo)(3)(x)**.

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#### 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](#)