

SCHEDULES

SCHEDULE 1

TRANSFER OF PRISONERS WITHIN THE BRITISH ISLANDS

PART III

SUPPLEMENTAL

Prisoners unlawfully at large

- 17 (1) The following enactments (relating to the arrest and return of prisoners and other persons unlawfully at large), namely—
- (a) section 49(1) of the Prison Act 1952;
 - (b) section 40(1) of the Prisons (Scotland) Act 1989; and
 - (c) section 38(1) of the Prison Act (Northern Ireland) 1953,
- shall extend throughout the United Kingdom and the Channel Islands.
- (2) Any reference in those enactments to a constable shall include a reference—
- (a) to a person being a constable under the law of any part of the United Kingdom;
 - (b) to a police officer within the meaning of the Police Force (Jersey) Law 1974 or any corresponding law for the time being in force; and
 - (c) to an officer of police within the meaning of section 31(4) of the Theft (Bailiwick of Guernsey) Law 1983 or any corresponding law for the time being in force.
- (3) Those enactments shall also apply to persons who, being unlawfully at large under the law of any of the Channel Islands, are for the time being within the United Kingdom as they apply to persons unlawfully at large under the law of any part of the United Kingdom.
- (4) Any person arrested in the United Kingdom under those enactments as applied by sub-paragraph (3) above may be taken to the place in the Channel Islands in which he is required in accordance with the law in force there to be detained.
- (5) Where a person who, having been sentenced to imprisonment, is unlawfully at large during any period during which he is liable to be detained in a prison in any part of the United Kingdom is sentenced to imprisonment by a court in another part of the United Kingdom—
- (a) the provisions of Part II of this Schedule relating to the treatment of persons transferred under sub-paragraph (1)(b) of paragraph 1 above shall apply to him, while he remains in that other part of the United Kingdom, as if he had been transferred there under that sub-paragraph immediately before he was so sentenced; and

Status: This is the original version (as it was originally enacted).

- (b) the Secretary of State may, if he thinks fit, make an order under that subparagraph (but without application in that behalf) transferring him back to the part of the United Kingdom from which he was unlawfully at large.
- (6) In the following provisions, namely—
- (a) paragraph (a) of the proviso to section 49(2) of the Prison Act 1952 (which in effect enables a person who is unlawfully at large during the currency of his original sentence to count towards that sentence any period during which he is detained in pursuance of a sentence of any court);
 - (b) the proviso to section 40(2) of the Prisons (Scotland) Act 1989 (which contains corresponding provisions for Scotland); and
 - (c) section 38(3) of the Prison Act (Northern Ireland) 1953 (which contains corresponding provisions for Northern Ireland),
- references to a court shall include references to any court in the United Kingdom.