
STATUTORY INSTRUMENTS

1997 No. 1775

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND
CRIMINAL LAW, SCOTLAND**

The Transfer of Prisoners (Isle of Man) (No. 2) Order 1997

Made - - - - *22nd July 1997*
Laid Before Parliament *1st August 1997*
Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 22nd day of July 1997

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of paragraph 19 of Schedule 1 to the Crime (Sentences) Act 1997⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Transfer of Prisoners (Isle of Man) (No. 2) Order 1997 and shall come into force on 22nd August 1997 or the date on which Schedule 1 to the Crime (Sentences) Act 1997 comes into force by order made under section 57(2) of that Act whichever is the later.
2. Paragraphs 1 to 7, 15, 16, 17(1), (2), (3) and (4) and 18 of Schedule 1 to the Crime (Sentences) Act 1997 shall extend to, and shall apply in relation to, the Isle of Man subject to the modifications and to the transitional provision and supplementary provision specified in the Schedule to this Order.
3. In the Schedule to this Order, “the 1997 Act” means the Crime (Sentences) Act 1997.

N. H. Nicholls
Clerk of the Privy Council

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SCHEDULE

Article 2

MODIFICATIONS ETC. OF PROVISIONS OF
SCHEDULE 1 TO THE 1997 ACT *Modifications*

1.—(1) Paragraph 1 is modified as follows.

(2) In sub-paragraph (1), for the words “to any of the Channel Islands” substitute the words “, with the consent of the Department of Home Affairs, to the Isle of Man”.

(3) For sub-paragraph (2) substitute—

“(2) Where—

(a) a person is remanded in custody in the Isle of Man in connection with an offence;
or

(b) a person has been sentenced to custody in the Isle of Man,

the Secretary of State may, with the consent of the Department of Home Affairs, and without application in that behalf, make an order for his transfer to any part of the United Kingdom, there to be remanded in custody pending his trial for the offence or, as the case may be, to serve the whole or any part of the remainder of his sentence, and for his removal to an appropriate institution there.”.

2.—(1) Paragraph 2 is modified as follows.

(2) In sub-paragraph (1), for the words “to any of the Channel Islands” substitute the words “to the Isle of Man”.

(3) For sub-paragraph (2) substitute—

“(2) If it appears to the Secretary of State that—

(a) a person remanded in custody in the Isle of Man in connection with an offence; or

(b) a person serving a sentence of custody in 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.”.

3.—(1) Paragraph 3 is modified as follows.

(2) In sub-paragraph (1), for the words “in any of the Channel Islands” substitute the words “in the Isle of Man”.

(3) For sub-paragraph (2) substitute—

“(2) If the Secretary of State is satisfied, in the case of—

(a) a person remanded in custody in the Isle of Man in connection with an offence;

(b) a person serving a sentence of custody in the Isle of Man; or

(c) a person not falling within paragraph (a) or (b) above who is detained in an institution in the Isle of Man,

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.—(1) Paragraph 4 is modified as follows.

(2) In sub-paragraph (1), for the words “to any of the Channel Islands” substitute the words “, with the consent of the Department of Home Affairs, to the Isle of Man”.

(3) In sub-paragraph (2), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

5.—(1) Paragraph 15 is modified as follows.

(2) In sub-paragraph (1), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

(3) In sub-paragraph (2), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

(4) In sub-paragraph (4), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

6.—(1) Paragraph 17 is modified as follows.

(2) In sub-paragraph (1), for the words “Channel Islands” substitute the words “Isle of Man”.

(3) For paragraphs (a) to (c) of sub-paragraph (2), substitute “to a person being a constable under the law of any part of the United Kingdom or the Isle of Man”.

(4) In sub-paragraph (3), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

(5) In sub-paragraph (4), for the words “Channel Islands” substitute the words “Isle of Man”.

7. In paragraph 18(1), for the words “any of the Channel Islands” substitute the words “the Isle of Man”.

Supplementary and transitional provisions

8.—(1) Subject to sub-paragraph (2) below, paragraph 20 of Schedule 1 to the 1997 Act shall apply for the interpretation of paragraphs 1 to 7, 15, 16, 17(1), (2), (3) and (4) and 18 of Schedule 1 as those paragraphs extend to, and apply in relation to, the Isle of Man by virtue of this Order, in the same way that that paragraph applies for the interpretation of those paragraphs as they were enacted.

(2) Save where the context otherwise requires, a reference in paragraphs 1 to 7, 15, 16, 17(1), (2), (3) and (4) and 18 of Schedule 1 to the 1997 Act, as those paragraphs extend to, and apply in relation to, the Isle of Man by virtue of this Order, to a sentence of imprisonment includes a reference to a sentence of custody passed by a court in the Isle of Man, and cognate expressions shall be construed accordingly.

9. In relation to any person serving a determinate custodial sentence in respect of an offence committed before the commencement of Chapter I of Part II of the 1997 Act, paragraph 6 of Schedule 1 to the 1997 Act shall have effect as if, in sub-paragraph (3)(b) of that paragraph, for the words “recalled to prison under the licence” there were substituted the words “recalled or returned to prison”.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides, subject to modifications and a supplementary and transitional provision, for the extension to the Isle of Man of provisions of Schedule 1 to the Crime (Sentences) Act 1997 (which relates to the transfer of prisoners within the British Islands) and for the application in relation to the Isle of Man of those provisions as they have effect in the United Kingdom.