

## SCHEDULE 1

### PROVISIONS APPLYING TO RESTRICTED TRANSFERS BETWEEN THE VARIOUS PARTS OF THE UNITED KINGDOM AND THE CHANNEL ISLANDS, AND BETWEEN THOSE PARTS AND THE ISLE OF MAN

#### **Restricted transfers from Scotland to the Isle of Man**

6.—(1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoner remanded in custody) shall apply to him as if they were part of the law of the Isle of Man; but
- (b) subject to that and 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 the Isle of Man.

(2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 15, 18 and 19 of the Prisoners and Criminal Proceedings (Scotland) Act 1993 ("the 1993 Act") and sections 33(5), 34, 37 and 39 of the Crime and Punishment (Scotland) Act 1997 ("the 1997 Act") or, as the case may require, sections 1(4), 2, 3, 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
- (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 his sentence had been an equivalent sentence passed by a court in the Isle of Man.

(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 is 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) of the Schedule of a person's supervision from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 15, 18 and 19 of the 1993 Act and sections 33(5) and 37 of the 1997 Act or, as the case may require, sections 2(4), 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; but
- (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 the Isle of Man.

(5) Any reference in—

- (a) sub-paragraphs (2) and (4) above to sections 15, 18 and 19 of the 1993 Act is a reference to those sections so far as relating to supervised release orders;
- (b) the said sub-paragraph (2)—
  - (i) to section 34 of the 1997 Act includes a reference to any rules under section 39 of the Prisons (Scotland) Act 1989 made by virtue of subsections (13) to (16) of that section; and
  - (ii) to section 39 of the 1997 Act is a reference to that section so far as it relates to section 37 of that Act.

(6) Any provision of Part I of the 1993 Act or Part III of the 1997 Act which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression

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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>
Court in the United Kingdom	Court in the United Kingdom or the Isle of Man
England and Wales or Northern Ireland	The Isle of Man
Justices for a petty sessions area	Department of Home Affairs
Probation officer appointed for or assigned to a petty sessions area	Probation officer