

## SCHEDULE 4

Article 8(2)

### PART I

#### PRISONERS TRANSFERRED TO SCOTLAND

##### **Restricted transfers from England and Wales to Scotland**

1.—(1) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of Schedule 1 to the 1997 Act (transfer of prisoners: general; for trial and other judicial purposes) from England and Wales to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 8(2)(a) of Schedule 1 to the 1997 Act(1)—

sections 33 to 39, 41 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the 1998 Act or, as the case may require, sections 28 to 32 and 34 of the 1997 Act.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act (transfer of supervision of released prisoners) of a person's supervision from England and Wales to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent that they are applied by paragraph 8(4) of Schedule 1 to the 1997 Act(2)—

sections 37 to 39, 43 to 46 and 65 of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the Crime and Disorder Act 1998 or, as the case may require, sections 31, 32 and 34 of the 1997 Act.

##### **Restricted transfers from Northern Ireland to Scotland**

2.—(1) Where a person's transfer under paragraphs 1(1)(b), 2(1)(b) or 3(1)(b) of Schedule 1 to the 1997 Act from Northern Ireland to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 13(2) of Schedule 1 to the 1997 Act—

sections 13(7), 23 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 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 and section 9 of the Northern Ireland (Sentences) Act 1998.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Northern Ireland to Scotland is a restricted transfer the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they have effect by virtue of paragraph 13(4) of Schedule 1 to the 1997 Act—

sections 13(7), 23 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 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 and section 9 of the Northern Ireland (Sentences) Act 1998.

##### **Restricted transfers from Jersey to Scotland**

3.—(1) Where a person's transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of Schedule 1 to the 1997 Act from Jersey to Scotland is a restricted transfer, the functions of the Secretary of State

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(1) Paragraph 8(2)(a) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(3).

(2) Paragraph 8(4) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(3).

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

under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 18(2) of Schedule 1 to the 1998 Order—

Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (“the 1957 Law”) (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 35 of the Court of Appeal (Jersey) Law, 1961, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (“the 1994 Law”) (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995).

(2) Where a transfer under paragraph 4(2) of Schedule 1 to the 1997 Act of a person’s supervision from Jersey to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 18(4) of Schedule 1 to the 1998 Order—

Article 19 of the 1957 Law (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994) and Article 10 of the 1994 Law (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995).

#### **Restricted transfers from Guernsey to Scotland**

4.—(1) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of Schedule 1 to the 1997 Act from Guernsey to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 12(2) of Schedule 1 to the 1998 Order—

section 3(5) of the Prison Administration (Guernsey) Law, 1949 (“the 1949 Law”) (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 (“the 1990 Law”), the Parole Review Committee Ordinance, 1991 (“the 1991 Ordinance”) (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) (but not section 6 of the 1991 Ordinance) and section 22 of the Prison Administration (Guernsey) Ordinance, 1998.

(2) Where a transfer under paragraph 4(2) of the Schedule to the 1997 Act of a person’s supervision from Guernsey to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 12(4) of Schedule 1 to the 1998 Order—

section 3(5) of the 1949 Law (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the 1990 Law, and the 1991 Ordinance (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) (but not section 6 of the 1991 Ordinance).

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

5.—(1) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of Schedule 1 to the 1997 Act(3) from the Isle of Man to Scotland is a restricted transfer the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 15(2) of Schedule 1 to the 1998 Order—

section 6 of, paragraphs 1 to 10, 12, 14, 15 and 18 of Schedule 2 to, and, where applicable, Part 2 of Schedule 3 to, the Custody Act 1995 (an Act of Tynwald) (“the 1995 Act”).

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(3) Paragraph 1(2)(a), 2(2)(a) and 3(2)(a) were extended to the Isle of Man by S.I.1997/1775.

(2) Where a transfer under paragraph 4(2) of Schedule 1 to the 1997 Act<sup>(4)</sup> of a person's supervision from the Isle of Man to Scotland is a restricted transfer, the functions of the Secretary of State under the following provisions of the enactments specified below but only to the extent they are applied by paragraph 15(4) of Schedule 1 to the 1998 Order—  
paragraphs 8 to 10, 14 and 15 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that Act.

## PART II

### PRISONERS TRANSFERRED BEFORE THE COMMENCEMENT OF CHAPTER II OF PART II OF THE 1997 ACT

#### **Restricted transfers from England and Wales to Scotland**

6.—(1) Where a person's transfer under paragraphs 1(1)(b), 2(1)(b) or 3(1)(b) of Schedule 1 to the 1997 Act from England and Wales to Scotland is a restricted transfer and he is a person to whom Chapter II of Part II of the 1991 Act does not apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1991 Act but only to the extent that it is applied by paragraph 8(2) of Schedule 1 to the 1997 Act (as read with paragraph 9(2)(a) of Schedule 5 to the 1997 Act)—

sections 34 to 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as relating to life prisoners.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from England and Wales to Scotland is a restricted transfer and he is a person to whom Chapter II of Part II of the 1991 Act does not apply when the transfer is made, the functions of the Secretary of State under the following provisions of the 1991 Act but only to the extent that it is applied by paragraph 8(4) of Schedule 1 to the 1997 Act (as read with paragraph 9(2)(b) of Schedule 5 to the 1997 Act)—

sections 37, 39, 43 and 46 of the 1991 Act, paragraphs 8 and 9 of Schedule 12 to that Act, so far as relating to life prisoners.

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(4) Paragraph 4(2) was extended to the Isle of Man by S.I. 1997/1775.