

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Crime (Sentences) Act 1997 (c. 43)

130.—(1) The Crime (Sentences) Act 1997 shall have effect subject to the following modifications.

(2) In paragraph 1 (transfer of prisoners: general) of Schedule 1 (transfer of prisoners within the British Islands)(1)—

- (a) in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person remanded in custody in connection with an offence in, or serving a sentence of imprisonment in, Scotland;
- (b) in sub-paragraph (4), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person transferred to Scotland.

(3) In paragraph 2 of Schedule 1 (transfer of prisoners to a trial)(2)—

- (a) in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person remanded in custody, or serving a sentence of imprisonment in, Scotland;
- (b) in sub-paragraphs (3) and (4), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person who has been transferred from Scotland.

(4) In paragraph 3 of Schedule 1 (transfer of prisoners for other judicial purposes)(3)—

- (a) in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person who is remanded in custody in connection with an offence in, serving a sentence of imprisonment in, or is otherwise detained in, Scotland;
- (b) in sub-paragraph (3), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a Direction made by them under paragraph 3.

(5) In paragraph 4 of Schedule 1 (transfer of supervision of released prisoners)(4), in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person undergoing or about to undergo supervision in Scotland.

(6) In paragraph 5 of Schedule 1 (conditions of transfers)(5), in sub-paragraph (1), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in any case where they have the responsibility for making the transfer under Part I of Schedule 1.

(7) In paragraph 7 of Schedule 1 (restricted transfers: general)(6)—

- (a) in sub-paragraph (1), an order for the transfer of a person or a person's supervision back to the country or island from which he or it was transferred shall be made by the Scottish

(1) Paragraph 1 was extended to the Isle of Man by [S.I. 1997/1775](#).

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

(3) Paragraph 3 was extended to the Isle of Man by [S.I. 1997/1775](#).

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

(5) Paragraph 5 was extended to the Isle of Man by [S.I. 1997/1775](#).

(6) Paragraph 7 was extended to the Isle of Man by [S.I. 1997/1775](#).

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Ministers if the transfer of the person or, as the case may be, the transfer of his supervision was made by the Scottish Ministers;

- (b) in sub-paragraph (2), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers where they have responsibility for making the transfer under paragraph 1 or 2 of Schedule 1.
- (8) In paragraph 10 of Schedule 1 (restricted transfers from Scotland to England and Wales)(7)–
- (a) in sub-paragraph (3), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers; and
 - (b) sub-paragraph (7) shall have effect as if the words “as if any reference to the Secretary of State were a reference to the Scottish Ministers and” were inserted after the words “(as so applied)”.
- (9) In paragraph 11 of Schedule 1 (restricted transfers from Scotland to Northern Ireland)(8)–
- (a) in sub-paragraph (3), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers; and
 - (b) sub-paragraph (6) shall have effect as if the words “as if any reference to the Secretary of State were a reference to the Scottish Ministers and” were inserted after the words “(as so applied)”.
- (10) In paragraph 15 of Schedule 1 (unrestricted transfers: general)(9)–
- (a) in both sub-paragraphs (3) and (4), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in a case where a person or his supervision has been transferred to Scotland;
 - (b) in sub-paragraph (5), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers.
- (11) In paragraph 17(5)(b) of Schedule 1 (prisoners unlawfully at large), the reference to the Secretary of State shall be construed as a reference to the Scottish Ministers in the case of a person unlawfully at large who is liable to be detained in a prison in another part of the United Kingdom and who is sentenced to imprisonment by a court in Scotland.
- (12) In paragraph 11 (transfer of prisoners from Scotland to England and Wales) of Schedule 5 (transitional provisions and savings), sub-paragraph (3) shall have effect in relation to a prisoner transferred from Scotland to England and Wales as if–
- (a) the word “and” at the end of sub-paragraph (3)(a) were omitted; and
 - (b) there were inserted after paragraph (3)(b) the following–
 - “; and
 - (c) any provision of the 1993 Act or the 1989 Act of which is applied by sub-paragraph (2) above shall have effect (and so apply) as if any reference to the Secretary of State were a reference to the Scottish Ministers”.

(7) Paragraph 10(7) was substituted by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 135(5)(f).

(8) Paragraph 11(6) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(6)(d).

(9) Paragraph 15 was extended to the Isle of Man by S.I. 1997/1775.