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Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

TRANSFER OF PRISONERS WITHIN THE BRITISH ISLANDS

Modifications etc. (not altering text)

- C1** Sch. 1: exercise of functions restricted in or as regards Scotland (30.6.1999) by S.I. 1999/1748, art. 4(1), Sch. 2 para. 3
- C1** Sch. 1 excluded (1.1.1998) by S.I. 1997/2200, art. 5(6)
Sch. 1 excluded (18.9.1998) by S.I. 1998/2251, art. 16(5).
Sch. 1 excluded (1.9.2001) by 2001 c. 17, s. 42(5) (with s. 78); S.I. 2001/2161, art. 2
Sch. 1 extended (1.9.2001) by 2001 c. 17, s. 46(1) (with s. 78); S.I. 2001/2161, art. 2

PART II

EFFECT OF TRANSFERS

Modifications etc. (not altering text)

- C1** Sch. 1 Pt. II excluded (28.7.1998) by 1998 c. 35, s. 17, Sch. 3 para. 9(1); S.I. 1998/1858, art. 2.

Preliminary

PROSPECTIVE

- 6 (1) For the purposes of this Part of this Schedule, a transfer under Part I of this Schedule—
- (a) is a restricted transfer if it is subject to a condition that the person to whom it relates is to be treated for the relevant purposes as if he were still subject to the provisions applicable for those purposes under the law of the place from which the transfer is made; and
 - (b) is an unrestricted transfer if it is not so subject.
- (2) In this Part of this Schedule “the relevant purposes” means—
- (a) in relation to the transfer of a person under paragraph 1(1)(a) or (2)(a) [F¹ or (2A)(a)], 2(1)(a) or (2)(a) or 3(1)(a) or (2)(a) above, the purposes of his remand in custody and, where applicable, the purposes of his detention under and release from any sentence of imprisonment that may be imposed;
 - (b) in relation to the transfer of a person under paragraph 1(1)(b) or (2)(b) [F² or (2A)(b)], 2(1)(b) or (2)(b) or 3(1)(b) or (2)(b) above, the purposes of his detention under and release from his sentence and, where applicable, the

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purposes of his supervision [^{F3}, possible recall following release and any supervision default order]; and

- (c) in relation to the transfer of a person’s supervision under paragraph 4(1) or (2) above, the purposes of his supervision [^{F4}, possible recall and any supervision default order].

(3) In this paragraph “recall” means—

- (a) in relation to a person who is supervised in pursuance of an order made for the purpose, being sentenced to imprisonment, or being recalled to prison, for a breach of any condition of the order;
- [^{F5}(aa) in relation to a person who is supervised in pursuance of a detention and training order, being ordered to be detained for any failure to comply with requirements under [^{F6}section 242(2)(b) of the Sentencing Code];]
- (b) in relation to a person who is supervised in pursuance of a condition contained in a licence, being [^{F7}recalled or returned to prison], whether for a breach of any condition of the licence or otherwise.
- [^{F8}(c) in relation to a person who is supervised under section 256AA of the 2003 Act, being ordered to be committed to prison or detention for failure to comply with a requirement imposed under that section or by a supervision default order;
- (d) in relation to a person who is supervised under section 256B of the 2003 Act, being ordered to be detained for failure to comply with a supervision requirement imposed under that section.]

[^{F9}(4) In this Part of this Schedule—

“the 2003 Act” means the Criminal Justice Act 2003;

F10
...

F10
...

[^{F11}“supervision default order” has the meaning given in section 268(1) of the 2003 Act;]]

Textual Amendments

- F1** Words in Sch. 1 para. 6(2)(a) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), **ss. 13(5)(a)**, 19(1); [S.R. 2004/267](#), [art. 2](#)
- F2** Words in Sch. 1 para. 6(2)(b) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), **ss. 13(5)(b)**, 19(1); [S.R. 2004/267](#), [art. 2](#)
- F3** Words in Sch. 1 para. 6(2)(b) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 2(2)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#)
- F4** Words in Sch. 1 para. 6(2)(c) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 2(3)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#)
- F5** Sch. 1 para. 6(3)(aa) inserted (1.4.2000) by [1998 c. 37](#), s. 119, **Sch. 8 para. 135(2)(a)**; [S.I. 1999/3426](#), [art. 3\(b\)](#)
- F6** Words in Sch. 1 para. 6(3)(aa) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 149(2)** (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)
- F7** Words in Sch. 1 para. 6(3)(b) substituted (30.9.1998) by [1998 c. 37](#), s. 119, **Sch. 8 para. 135(2)(b)**; [S.I. 1998/2327](#), [art. 2\(2\)\(oo\)](#).
- F8** Sch. 1 para. 6(3)(c)(d) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 2(4)** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), [art. 2\(u\)](#)

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- F9** Sch. 1 para. 6(4) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 85(2)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F10** Words in Sch. 1 para. 6(4) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 9(2)**; S.I. 2012/2906, art. 2(h)
- F11** Words in Sch. 1 para. 6(4) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 2(5)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)

Modifications etc. (not altering text)

- C2** Sch. 1 paras. 1-7 extended (with modifications) (1.10.1997) by S.I. 1997/1775, art. 2, **Sch.**; S.I. 1997/2200, **art. 2**

Restricted transfers: general

- 7 (1) Where—
- (a) a person's transfer under paragraph 1, 2 or 3 above; or
 - (b) a transfer under paragraph 4 above of a person's supervision,
- is a restricted transfer, that person or, as the case may be, his supervision may by order be transferred back to the country or island from which he or it was transferred.
- [^{F12}(1A) An order for the transfer of a person or a person's supervision back to the country from which he or it was transferred shall be made by the Department of Justice in Northern Ireland if the transfer of the person or, as the case may be, the transfer of his supervision was the subject of an order or direction made by the Department of Justice.]
- (2) Where a person's transfer under paragraph 1 or 2 above is a restricted transfer, that person shall while in the country or territory to which he is transferred be kept in custody except in so far as the Secretary of State may in any case or class of case otherwise direct.
- [^{F13}(2A) Where a transfer under paragraph 1 or 2 is the subject of an order made by the Department of Justice in Northern Ireland, any reference in sub-paragraph (2) to the Secretary of State must be read as a reference to the Department of Justice.]

Textual Amendments

- F12** Sch. 1 para. 7(1A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 22(2)** (with arts. 28-31)
- F13** Sch. 1 para. 7(2A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 22(3)** (with arts. 28-31)

Modifications etc. (not altering text)

- C3** Sch. 1 paras. 1-7 extended (with modifications) (1.10.1997) by S.I. 1997/1775, **art. 2**, Sch.; S.I. 1997/2200, **art. 2**
- C4** Sch. 1 para. 7 amended (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 130(7)**; S.I. 1998/3178, **art. 3**

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Restricted transfers from England and Wales to Scotland

- 8 (1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) above from England and Wales to Scotland is a restricted transfer—
 - (a) regulations made under section 22 of the^{M1} Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall apply to him in place of the corresponding provisions of the law of Scotland; 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 Scotland.

- (2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) above from England and Wales to Scotland is a restricted transfer—
 - ^{F14}(a) sections 241, [^{F15}243A][^{F16}to][^{F17}244A,][^{F18}246 to [^{F19}264B]][^{F20}, 267A and 267B] of [^{F21}, and Schedules 19A, 20A and 20B to,] the 2003 Act (fixed-term prisoners) or, as the case may require, [^{F22}sections 241, 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;
 - (aa) sections 62 [^{F23}, 64 and 64A] of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland; [^{F24}and]
 - ^{F25}(ab)]
 - (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 Scotland.

- (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 has been 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) above of a person’s supervision from England and Wales to Scotland is a restricted transfer—
 - ^{F26}(a) sections 241 [^{F27}, 249 to [^{F28}264B], 267A and 267B] of [^{F29}, and Schedules 19A, 20A and 20B to,] the 2003 Act (fixed-term prisoners) or, as the case may require, [^{F30}sections 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] (detention and training orders) or sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Scotland;
 - (aa) sections 62 [^{F31}, 64 and 64A] of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Scotland; [^{F32}and]
 - ^{F33}(ab)]
 - (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 Scotland.

- ^{F34}(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c)

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there were substituted the words “a relevant officer of such local authority as may be specified in the licence”.]

[^{F34}(6) Any provision of [^{F35}sections 241 and 242 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if—

- (a) any reference to [^{F36}youth detention] accommodation were a reference to secure accommodation within the meaning of Part 2 of the Children (Scotland) Act 1995 or a young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989,
- (b) ^{F37}... any reference to the Secretary of State were a reference to the Scottish Ministers,
- (c) any reference to an officer of a [^{F38}provider of probation services] were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993,
- (d) any reference to a youth court were a reference to a sheriff court,
- (e) in [^{F39}section 242], any reference to a local justice area were a reference to a local government area within the meaning of the Local Government etc. (Scotland) Act 1994,

^{F40}(ea)

- (f) [^{F41}in section 242(2)(a), for sub-paragraph (ii)] there were substituted a reference to an officer of a local authority constituted under that Act for the local government area in which the offender resides for the time being,

[^{F42}(fa) [^{F43}section 242(6)] were omitted,]

- (g) [^{F44}section 242(7)] were omitted,

- (h) [^{F45}in paragraph 2 of Schedule 12, for sub-paragraphs (1) and (2)] there were substituted—

“(1) Where a detention and training order is in force in respect of an offender and it appears on information to a sheriff court having jurisdiction in the locality in which the offender resides that the offender has failed to comply with requirements under [^{F46}section 242(4)(b)], the court may—

- (a) issue a citation requiring the offender to appear before it at the time specified in the citation, or
- (b) issue a warrant for the offender’s arrest.”,

- (i) [^{F47}paragraph 2(3) of Schedule 12 were omitted,]

- (j) in [^{F48}paragraph 3(11) of that Schedule], the reference to the Crown Court were a reference to the High Court of Justiciary][^{F49}, and]

[^{F50}(k) paragraph 3(12)(a)(ii) and (b)(ii) of that Schedule were omitted.]

[^{F51}(7) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.]

[^{F52}(8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—

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- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table,
 - (b) with the modifications in sub-paragraph (11), and
 - (c) in a case falling within [^{F53}section 247 of the Sentencing Code], with the further modifications in sub-paragraph (12),
- (and see also paragraphs 8A, 19A and 19B).
- (9) In this paragraph “the supervision provisions” means—
- (a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act,
 - (b) the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and
 - [^{F54}(c) section 247 of the Sentencing Code.]
- (10) The references mentioned in sub-paragraph (8)(a) are—

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	High Court of Justiciary
Justice of the peace	Sheriff court
Local justice area	Local government area within the meaning of the Local Government etc (Scotland) Act 1994
Magistrates' court	Sheriff court
Officer of a provider of probation services	Relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993
Summons	Citation
Young offender institution	Young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989

- (11) The modifications mentioned in sub-paragraph (8)(b) are—
- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to a licence under the Prisons (Scotland) Act 1989 or the Prisoners and Criminal Proceedings (Scotland) Act 1993,
 - (b) section 256AC(7)(b) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “ the Scottish Ministers ”,
 - (c) paragraph 2 of Schedule 19A to the 2003 Act has effect as if—
 - (i) sub-paragraph (d) referred only to section 215(1) and (2) of the 2003 Act, and
 - (ii) sub-paragraph (e) were omitted,
 - (d) paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph (7), there were inserted—
 - “(7A) Section 218(4)(a) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,

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- (e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—
 - (i) in sub-paragraph (1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “ the supervisor may cause an information to be laid before a sheriff court in respect of the person’s failure to comply with the requirement ”, and
 - (ii) sub-paragraphs (2) to (5) were omitted, and
 - (f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence order” there were substituted “ imposes any other sentence ”.
- (12) The further modifications mentioned in sub-paragraph (8)(c) are that [^{F55}section 247 of the Sentencing Code] has effect as if—
- (a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and
 - (b) after subsection (3) there were inserted—
 - “(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.”]

Textual Amendments

- F14** Sch. 1 para. 8(2)(a)-(ab) substituted for Sch. 1 para. 8(2)(a) (4.4.2005) by [Criminal Justice Act 2003](#) (c. 44), s. 336(3)(4), [Sch. 32 para. 85\(3\)\(a\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with saving in Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1)); and Sch. 1 para. 8(2)(a) (in so far as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4.4.2005) amended (14.7.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 26 para. 32\(2\)\(4\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(n)
- F15** Word in Sch. 1 para. 8(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 14 para. 2](#); S.I. 2012/2906, art. 2(1)
- F16** Word in Sch. 1 para. 8(2)(a) substituted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 132\(11\)\(a\)](#), 208(4)(p)
- F17** Word in Sch. 1 para. 8(2)(a) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015](#) (c. 2), s. 95(1), [Sch. 1 para. 12\(2\)](#); S.I. 2015/778, art. 3, [Sch. 1 para. 72](#)
- F18** Words in Sch. 1 para. 8(2)(a) substituted (1.4.2006) by [The Management of Offenders etc. \(Scotland\) Act 2005 \(Consequential Modifications\) Order 2006](#) (S.I. 2006/1055), arts. 1(1), [2\(a\)](#)
- F19** Word in Sch. 1 para. 8(2)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014](#) (c. 11), s. 22(1), [Sch. 3 para. 3\(2\)\(a\)](#) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F20** Words in Sch. 1 para. 8(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 16 para. 7\(a\)](#); S.I. 2012/2906, art. 2(n)
- F21** Words in Sch. 1 para. 8(2)(a) inserted (1.2.2015) by [Offender Rehabilitation Act 2014](#) (c. 11), s. 22(1), [Sch. 3 para. 3\(2\)\(b\)](#) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F22** Words in Sch. 1 para. 8(2)(a) substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 24 para. 149\(3\)\(a\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F23** Words in Sch. 1 para. 8(2)(aa) substituted (1.2.2015) by [Offender Rehabilitation Act 2014](#) (c. 11), [ss. 13\(2\)\(a\)](#), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, [art. 2\(1\)](#)

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- F24** Word in Sch. 1 para. 8(2)(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(3\)\(a\)](#); S.I. 2012/2906, art. 2(h)
- F25** Sch. 1 para. 8(2)(ab) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(3\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F26** Sch. 1 para. 8(4)(a)-(ab) substituted for Sch. 1 para. 8(4)(a) (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 85\(3\)\(b\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with saving in Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); and Sch. 1 para. 8(4)(a) (in so far as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4.4.2005) amended (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 32\(3\)\(4\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(n)
- F27** Words in Sch. 1 para. 8(4)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 16 para. 7\(b\)](#); S.I. 2012/2906, art. 2(n)
- F28** Word in Sch. 1 para. 8(4)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 3\(3\)\(a\)](#) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F29** Words in Sch. 1 para. 8(4)(a) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 3 para. 3\(3\)\(b\)](#) (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F30** Words in Sch. 1 para. 8(4)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(b\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F31** Words in Sch. 1 para. 8(4)(aa) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), ss. [13\(2\)\(a\)](#), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- F32** Word in Sch. 1 para. 8(4)(aa) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(3\)\(a\)](#); S.I. 2012/2906, art. 2(h)
- F33** Sch. 1 para. 8(4)(ab) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 9\(3\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F34** Sch. 1 para. 8(5)(6) substituted for Sch. 1 para. 8(5)-(7) (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 32 para. 85\(3\)\(c\)](#); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F35** Words in Sch. 1 para. 8(6) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(i\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F36** Words in Sch. 1 para. 8(6)(a) substituted (1.11.2007) by [Offender Management Act 2007 \(c. 21\)](#), s. 41(1), [Sch. 3 para. 15\(2\)](#); S.I. 2007/3001, art. 2(1)(r)
- F37** Words in Sch. 1 para. 8(6)(b) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(ii\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F38** Words in Sch. 1 para. 8(6)(c) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [Sch. 1 para. 12\(3\)\(a\)\(i\)](#)
- F39** Words in Sch. 1 para. 8(6)(e) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(iii\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F40** Sch. 1 para. 8(6)(ea) omitted (1.12.2020) by virtue of [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(iv\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F41** Words in Sch. 1 para. 8(6)(f) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(v\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F42** Sch. 1 para. 8(6)(fa) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [Sch. 1 para. 12\(3\)\(a\)\(iii\)](#)
- F43** Words in Sch. 1 para. 8(6)(fa) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(vi\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2
- F44** Words in Sch. 1 para. 8(6)(g) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 149\(3\)\(c\)\(vii\)](#) (with Sch. 27); S.I. 2020/1236, reg. 2

Status: This version of this part contains provisions that are prospective.

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- F45** Words in Sch. 1 para. 8(6)(h) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(c)(viii)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F46** Words in Sch. 1 para. 8(6)(h) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(c)(ix)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F47** Sch. 1 para. 8(6)(i) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(c)(x)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F48** Words in Sch. 1 para. 8(6)(j) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(c)(xi)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F49** Word in Sch. 1 para. 8(6)(j) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(c)(xii)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F50** Sch. 1 para. 8(6)(k) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(c)(xiii)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F51** Sch. 1 para. 8(7) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(2)(b)**, 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- F52** Sch. 1 para. 8(8)-(12) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 3(5)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F53** Words in Sch. 1 para. 8(8)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(d)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F54** Sch. 1 para. 8(9)(c) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(e)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F55** Words in Sch. 1 para. 8(12) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(3)(f)** (with Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C5** Sch. 1 para. 8(2)(4) modified (19.9.1998) by S.I. 1998/2327, **art. 5(2)(c)(d)**.
- C6** Sch. 1 para. 8(6) modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

Marginal Citations

- M1** 1985 c.23.

^{F56}Restricted transfers between England and Wales and Scotland: further provision about supervision default orders

Textual Amendments

- F56** Sch. 1 para. 8A and cross-heading inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 4** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)

- 8A** (1) This paragraph applies if—
- (a) a person's supervision is transferred to Scotland under paragraph 4 of this Schedule by means of a restricted transfer or transferred back to England and Wales under paragraph 7 of this Schedule, and
 - (b) at the time of the transfer, or transfer back, a supervision default order is in force in respect of the person.
- (2) The supervision default order has effect as if, at the time of the transfer or transfer back, it specified the relevant area in which the person resides or proposes to reside in the new jurisdiction (rather than a relevant area in the jurisdiction from which the person is transferring).

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(3) The court acting for that relevant area in the new jurisdiction may amend the supervision default order to specify that area.

(4) In this paragraph—

“relevant area” means—

- (a) in England and Wales, a local justice area, and
- (b) in Scotland, a local government area within the meaning of the Local Government etc (Scotland) Act 1994;

“supervision default order” has the meaning given in section 268(1) of the 2003 Act.]

Restricted transfers from England and Wales to Northern Ireland

9 (1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) above from England and Wales to Northern Ireland is a restricted transfer—

^{F57}(a)

(b) subject ^{F58}... 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 Northern Ireland.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) above from England and Wales to Northern Ireland is a restricted transfer—

^{F59}(a) sections 241, [^{F60}243A][^{F61}to][^{F62}244A,][^{F63}246A,] 247 to 252 [^{F64}, 254 to [^{F65}264B] , 267A and 267B] of [^{F66}, and Schedules 20A and 20B to,] the 2003 Act (fixed-term prisoners) or, as the case may require, [^{F67}sections 241, 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] (detention and training orders) or sections 28 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;

(aa) sections 62 [^{F68}, 64 and 64A] of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland; [^{F69}and]

^{F70}(ab)

(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 that sentence had been an equivalent sentence passed by a court in Northern Ireland.

(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 has been 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) above of a person’s supervision from England and Wales to Northern Ireland is a restricted transfer—

^{F71}(a) sections 241, 249 to 252 [^{F72}, 254 to [^{F73}264B] , 267A and 267B] of [^{F74}, and Schedules 20A and 20B to,] the 2003 Act (fixed-term prisoners) or, as the case may require, [^{F75}sections 242 and 247 of, and paragraphs 2 and 3 of Schedule 12 to, the Sentencing Code] (detention and training orders) or

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sections 31 to 34 of this Act (life sentences) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;

(aa) sections 62 [^{F76}, 64 and 64A] of the Criminal Justice and Court Services Act 2000 (which relate to licence conditions) shall apply to him in place of the corresponding provisions of the law of Northern Ireland; [^{F77} and]

^{F78}(ab)]

(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 Northern Ireland.

[^{F79}(5) Section 31(2A) of this Act (conditions as to supervision after release), as applied by sub-paragraph (2) or (4) above, shall have effect as if for paragraphs (a) to (c) there were substituted the words “a probation appointed for or assigned to the petty sessions district within which the prisoner for the time being resides”.]

[^{F80}(5A) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a probation officer.]

^{F81}(8)

[^{F82}(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—

(a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and

(b) with the other modifications in sub-paragraph (12).

(10) In this paragraph “the supervision provisions” means—

(a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and

[^{F83}(b) section 247 of the Sentencing Code.]

(11) The references mentioned in sub-paragraph (9)(a) are—

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	County court
Justice of the peace	Lay magistrate
Information	Complaint
Local justice area	Petty sessions district
Magistrates' court	Court of summary jurisdiction
Officer of a provider of probation services	Probation officer
Young offender institution	Young offender centre

(12) The other modifications mentioned in sub-paragraph (9)(b) are—

(a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to—

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- (i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and
- (ii) a licence under the Northern Ireland (Sentences) Act 1998, Part 3 of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
- (b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and
- (c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “ the Department of Justice in Northern Ireland ”.]

Textual Amendments

- F57** Sch. 1 para. 9(1)(a) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(4)(a), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)(3)(x)**.
- F58** Words in Sch. 1 para. 9(1)(b) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(4)(a), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)(3)(x)**.
- F59** Sch. 1 para. 9(2)(a)-(ab) substituted for Sch. 1 para. 9(2)(a) (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 85(4)(a)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with saving in Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); and Sch. 1 para. 9(2)(a) (in so far as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4.4.2005) amended (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 32(5)(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(n)
- F60** Word in Sch. 1 para. 9(2)(a) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 2**; S.I. 2012/2906, art. 2(l)
- F61** Word in Sch. 1 para. 9(2)(a) substituted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 132(11)(b)**, 208(4)(p)
- F62** Word in Sch. 1 para. 9(2)(a) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 1 para. 12(3)**; S.I. 2015/778, art. 3, **Sch. 1 para. 72**
- F63** Word in Sch. 1 para. 9(2)(a) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 5**; S.I. 2012/2906, art. 2(s)
- F64** Words in Sch. 1 para. 9(2)(a) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 8**; S.I. 2012/2906, art. 2(n)
- F65** Word in Sch. 1 para. 9(2)(a) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 5(2)(a)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F66** Words in Sch. 1 para. 9(2)(a) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 5(2)(b)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F67** Words in Sch. 1 para. 9(2)(a) substituted (1.12.2020) by The Prison (Amendment) Rules 2005 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F68** Words in Sch. 1 para. 9(2)(aa) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(3)(a)**, 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- F69** Word in Sch. 1 para. 9(2)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 9(4)(a)**; S.I. 2012/2906, art. 2(h)
- F70** Sch. 1 para. 9(2)(ab) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 9(4)(b)**; S.I. 2012/2906, art. 2(h)
- F71** Sch. 1 para. 9(4)(a)-(ab) substituted for Sch. 1 para. 9(4)(a) (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 85(4)(b)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with saving in Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008

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c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l); and Sch. 1 para. 9(4)(a) (in so far as it continues to have effect in relation to prisoners serving sentences of imprisonment for offences committed before 4.4.2005) amended (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 32(6)(7)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(n)

- F72** Words in Sch. 1 para. 9(4)(a) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 8**; S.I. 2012/2906, art. 2(n)
- F73** Word in Sch. 1 para. 9(4)(a) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 5(3)(a)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F74** Words in Sch. 1 para. 9(4)(a) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 5(3)(b)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F75** Words in Sch. 1 para. 9(4)(a) substituted (1.12.2020) by The Prison (Amendment) Rules 2005 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F76** Words in Sch. 1 para. 9(4)(aa) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(3)(a)**, 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- F77** Word in Sch. 1 para. 9(4)(aa) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 9(4)(a)**; S.I. 2012/2906, art. 2(h)
- F78** Sch. 1 para. 9(4)(ab) omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 10 para. 9(4)(b)**; S.I. 2012/2906, art. 2(h)
- F79** Sch. 1 para. 9(5) substituted for Sch. 1 para. 9(5)-(7) (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 85(4)(c)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(32) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F80** Sch. 1 para. 9(5A) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), **ss. 13(3)(b)**, 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- F81** Sch. 1 para. 9(8) omitted (1.2.2015) by virtue of Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 5(4)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F82** Sch. 1 para. 9(9)-(12) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), **Sch. 3 para. 5(5)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F83** Sch. 1 para. 9(10)(b) substituted (1.12.2020) by The Prison (Amendment) Rules 2005 2020 (c. 17), s. 416(1), **Sch. 24 para. 149(4)(c)** (with Sch. 27); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

- C7** Sch. 1 para 9(2)(4) modified (19.9.1998) by S.I. 1998/2327, **art. 5(2)(c)(d)**.

Restricted transfers from Scotland to England and Wales

- 10 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) above from Scotland to England and Wales is a restricted transfer—
- sections 65 and 147 of the ^{M2}Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoner remanded in custody) shall apply to him in the place of the corresponding provisions of the law of England and Wales; but
 - 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 England and Wales.
- (2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) from Scotland to England and Wales is a restricted transfer—

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- (a) [^{F84}sections 1, [^{F85}1AA, [^{F86}1AB,] 1A, [^{F87}1B,] 3, 3AA], 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, [^{F88}26ZA,] 26A and 27 of, and Schedules 2 and 6 to, the ^{M3}Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)] or, as the case may require, sections 1(4), 2, 3, [^{F89}6(1)(b)(i) and (iii)] 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of England and Wales; but
- (b) subject to that, to [^{F90}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 England and Wales.
- (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.
- ^{F91}(4)
- (5) Where a transfer under paragraph 4(1) above of a person’s supervision from Scotland to England and Wales is a restricted transfer—
- (a) [^{F92}sections [^{F93}1AA, 1A, [^{F94}1B,] 2(4), 3AA], 3A, 11 to 13, 15 to 21, [^{F95}26ZA,] 26A and 27 of, and Schedules 2 and 6 to, the 1993 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 England and Wales; 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 England and Wales.
- (6) Any reference in—
- (a) sub-paragraphs (2) and (5) 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;
- [^{F96}(b) in the said sub-paragraph (2) the reference to section 6(1)(b)(i) of the 1993 Act is a reference to that provision so far as it relates to a person sentenced under section 205(3) of the ^{M4}Criminal Procedure (Scotland) Act 1995.]
- [^{F97}(7) Any provision of Part I of the 1993 Act which is applied by sub-paragraph (2) or (5) above shall have effect (as so applied) as if any reference to a chief social work officer were a reference to a chief social worker of a local authority social services department.]

Textual Amendments

- F84** Words in Sch. 1 para. 10(2)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(5)(a)(i)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F85** Words in Sch. 1 para. 10(2)(a) substituted (S.) (8.2.2006) by **Management of Offenders etc. (Scotland) Act 2005 (asp 14), ss. 21(8)(a)(i), 24(2)**; S.S.I. 2006/48, **art. 3(1), sch. Pt. 1**; substitution extended to E.W.and N.I. (1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3
- F86** Word in Sch. 1 para. 10(2)(a) inserted (30.4.2021) by **Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 54(a)**

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F87** Word in Sch. 1 para. 10(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(i)**
- F88** Word in Sch. 1 para. 10(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(ii)**
- F89** Words in Sch. 1 para. 10(2)(a) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(5)(a)(ii)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F90** Words in Sch. 1 para. 10(2)(b) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(5)(b)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F91** Sch. 1 para. 10(4) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(5)(c), **Sch.10**; S.I. 1998/2327, **art. 2(2)(oo)(3)(x)**.
- F92** Words in Sch. 1 para. 10(5)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(5)(d)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F93** Words in Sch. 1 para. 10(5)(a) substituted (S.) (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 21(8)(a)(ii)**, 24(2); S.S.I. 2006/48, art. 3(1), sch. Pt. 1; substitution extended to E.W.and N.I. (1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3
- F94** Word in Sch. 1 para. 10(5)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(i)**
- F95** Word in Sch. 1 para. 10(5)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(ii)**
- F96** Sch. 1 para. 10(6)(b) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(5)(e)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F97** Sch. 1 para. 10(7) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(5)(f)**; S.I. 1998/2327, **art. 2(2)(oo)**.

Modifications etc. (not altering text)

- C8** Sch. 1 para. 10(3)(7) amended (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 para. 130(8)**; S.I. 1998/3178, **art. 3**

Marginal Citations

- M2** 1995 c.46.
M3 1993 c.9.
M4 1995 c.46.

Restricted transfers from Scotland to Northern Ireland

- 11 (1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) above from Scotland to Northern Ireland is a restricted transfer—
- (a) sections 65 and 147 of the ^{M5}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 Northern Ireland; 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 Northern Ireland.
- (2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) from Scotland ^{F98}to Northern Ireland is a restricted transfer—
- (a) ^{F99}sections 1, ^{F100}1AA, ^{F101}1AB,] 1A, ^{F102}1B,] 3, 3AA] , 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, ^{F103}26ZA,] 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act] or, as the case may require, sections 1(4), 2, 3, ^{F104}6(1)(b)(i)

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- and (iii),] 11 to 13 and 17 of the 1993 Act shall apply to him in place of the corresponding provisions of the law of Northern Ireland; 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 Northern Ireland.
- (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) above of a person’s supervision from Scotland to Northern Ireland is a restricted transfer—
- (a) [^{F105}sections [^{F106}1AA, 1A, [^{F107}1B,] 3AA] , 3A, 11 to 13, 15 to 21, [^{F108}26ZA,] 26A and 27 of, and Schedules 2 and 6 to, the 1993 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 Northern Ireland; 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 Northern Ireland.
- (5) [^{F109}Sub-paragraph (6)] of paragraph 10 above shall apply for the purposes of this paragraph as it applies for the purposes of that paragraph.
- (6) Any provision of Part I of the 1993 Act ^{F110} . . . which is applied by sub-paragraph (2) or (4) above shall have effect (as so applied) as if any reference to an expression 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>
Chief social work officer	Chief Officer of a Board or an authorised Health and Social Services (HSS) Trust
Justices for a petty sessions area	Probation Board for Northern Ireland
[^{F111} [^{F112} Officer of a local probation board] appointed for or assigned to such petty sessions area [^{F113} or officer of a provider of probation services acting in such local justice area]	Probation Officer appointed by the Probation Board for Northern Ireland]

Textual Amendments

- F98** Word in Sch. 1 para. 11(2) substituted (S.) (8.2.2006) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\), ss. 21\(8\)\(b\)\(i\), 24\(2\)](#); S.S.I. 2006/48, art. 3(1), sch. Pt. 1; substitution extended to E.W.and

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- N.I. (1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3
- F99** Words in Sch. 1 para. 11(2)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(a)(i)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F100** Words in Sch. 1 para. 11(2) substituted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 21(8)(b)(ii), 24(2)**; S.S.I. 2006/48, art. 3(1), sch. Pt. 1; substitution extended to E.W. and N.I. (1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3
- F101** Word in Sch. 1 para. 11(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(a)**
- F102** Word in Sch. 1 para. 11(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(i)**
- F103** Word in Sch. 1 para. 11(2)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(ii)**
- F104** Words in Sch. 1 para. 11(2)(a) inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(a)(ii)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F105** Words in Sch. 1 para. 11(4)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(b)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F106** Words in Sch. 1 para. 11(4)(a) substituted (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 21(8)(c), 24(2)**; S.S.I. 2006/48, art. 3(1), sch. Pt. 1; substitution extended to E.W. and N.I. (1.4.2006) by The Management of Offenders etc. (Scotland) Act 2005 (Consequential Modifications) Order 2006 (S.I. 2006/1055), art. 3
- F107** Word in Sch. 1 para. 11(4)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(i)**
- F108** Word in Sch. 1 para. 11(4)(a) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 54(b)(ii)**
- F109** Words in Sch. 1 para. 11(5) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(c)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F110** Words in Sch. 1 para. 11(6) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(6)(d), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F111** Entry in Sch. 1 para. 11 substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 135(6)(d)**; S.I. 1998/2327, **art. 2(2)(oo)**.
- F112** Words in Sch. 1 para. 11(6) Table substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 143**; S.I. 2001/919, **art. 2(f)(ii)**
- F113** Words in Sch. 1 para. 11(6) Table inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), **Sch. 1 para. 12(3)(b)**

Modifications etc. (not altering text)

- C9** Sch. 1 para. 11(3)(6) amended (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 130(9)**; S.I. 1998/3178, **art. 3**

Marginal Citations

- M5** 1995 c.46.

Restricted transfers from Northern Ireland to England and Wales

- 12 (1) Where a person's transfer under paragraph 1(1)(a) [^{F114}or (2A)(a)], 2(1)(a) or 3(1)(a) above from Northern Ireland to England and Wales is a restricted transfer, subject 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 England and Wales.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) Where a person's transfer under paragraph 1(1)(b) [^{F115}or (2A)(b)], 2(1)(b) or 3(1)(b) above from Northern Ireland to England and Wales is a restricted transfer—
- ^{F116}(a) sections 13(7) 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 and Articles 6 to 9 of the Life Sentences (Northern Ireland) Order 2001 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 [^{F117}or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008] shall apply to him in place of the corresponding provisions of the law of England and Wales;]
- (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 that sentence had been an equivalent sentence passed by a court in England and Wales.
- (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 has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.
- ^{F118}(3A) Where a transfer under paragraph 1, 2 or 3 is the subject of an order or direction made by the Department of Justice in Northern Ireland, any reference in sub-paragraph (3) to the Secretary of State must be read as a reference to the Department of Justice.]
- (4) Where a transfer under paragraph 4(1) of a person's supervision from Northern Ireland to England and Wales is a restricted transfer, subject 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 England and Wales.
- (5) Any provision of the ^{M6}Prison Act (Northern Ireland) 1953, the ^{M7}Treatment of Offenders (Northern Ireland) Order 1976, the ^{M8}Criminal Justice (Northern Ireland) Order 1996 or the ^{M9}Northern Ireland (Remission of Sentences) Act 1995 [^{F119}or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008] which is applied by sub-paragraph (2) above shall have effect (as so applied) as if any reference to an expression 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>
Complaint on oath	Information on oath
Court of summary jurisdiction	Magistrates' court
^{F120}	^{F120}
...	...

Textual Amendments

F114 Words in Sch. 1 para. 12(1) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\), ss. 13\(6\)\(a\), 19\(1\); S.R. 2004/267, art. 2](#)

Status: This version of this part contains provisions that are prospective.

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- F115** Words in Sch. 1 para. 12(2) inserted (14.7.2004) by Justice (Northern Ireland) Act 2004 (c. 4), ss. 13(6)(b), 19(1); S.R. 2004/267, art. 2
- F116** Sch. 1 para. 12(2)(a) substituted (E.W.N.I.) (8.10.2001) by S.I. 2001/2565, arts. 1(2), 3(2); S.R. 2001/337, art. 2
- F117** Words in Sch. 1 para. 12(2)(a) inserted (15.5.2008) by The Criminal Justice (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1241), arts. 1(2), 3(2) (see S.R. 2008/217, art. 2, Sch.)
- F118** Sch. 1 para. 12(3A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), Sch. 8 para. 23 (with arts. 28-31)
- F119** Words in Sch. 1 para. 12(5) inserted (15.5.2008) by The Criminal Justice (Northern Ireland Consequential Amendments) Order 2008 (S.I. 2008/1241), arts. 1(2), 3(2) (see S.R. 2008/217, art. 2, Sch.)
- F120** Entry in Sch. 1 para. 12 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(7), Sch. 10; S.I. 1998/2327, art. 2(2)(oo)(3)(x).

Marginal Citations

- M6** 1953 c.18 (N.I.).
- M7** S.I. 1976/226 (N.I.4).
- M8** S.I. 1996/3160 (N.I.24).
- M9** 1995 c.47.

Restricted transfers from Northern Ireland to Scotland

- 13 (1) Where a person's transfer under paragraph 1(1)(a) [^{F121}or (2A)(a)], 2(1)(a) or 3(1)(a) above from Northern Ireland to Scotland is a restricted transfer, subject 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 Scotland.
- (2) Where a person's transfer under paragraph 1(1)(b) [^{F122}or (2A)(b)], 2(1)(b) or 3(1)(b) above from Northern Ireland to Scotland is a restricted transfer—
- [^{F123}(a) sections 13(7) 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 and Articles 6 to 9 of the Life Sentences (Northern Ireland) Order 2001 or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 [^{F124}or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008] shall apply to him in place of the corresponding provisions of the law of Scotland;]
- (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 that sentence had been an equivalent sentence passed by a court in Scotland.
- (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 has been transferred shall be treated for the purposes mentioned in sub-paragraph (2) above as the Secretary of State may direct.
- [^{F125}(3A) Where a transfer under paragraph 1, 2 or 3 is the subject of an order or direction made by the Department of Justice in Northern Ireland, any reference in sub-paragraph (3) to the Secretary of State must be read as a reference to the Department of Justice.]
- (4) Where a transfer under paragraph 4(1) above of a person's supervision from Northern Ireland to Scotland is a restricted transfer, subject to any conditions to which the transfer is subject, he shall be treated for the relevant purposes as if his period of

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supervision had been an equivalent period of supervision directed to be undergone in Scotland.

- (5) Any provision of the Prison Act (Northern Ireland) 1953, the Treatment of Offenders (Northern Ireland) Order 1976, the Criminal Justice (Northern Ireland) Order 1996 [F126, the Life Sentences (Northern Ireland) Order 2001] or the Northern Ireland (Remission of Sentences) Act 1995 [F127 or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008] which is applied by sub-paragraph (2) above shall have effect (as so applied) as if any reference to an expression 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>
Complaint on oath	Evidence on oath
Court of summary jurisdiction	Sheriff
Crown Court	High Court of Justiciary
F128	F128
...	...
Probation officer	Relevant officer within the meaning of section 27(1) of the M10 Prisoners and Criminal Proceedings (Scotland) Act 1993

Textual Amendments

- F121** Words in Sch. 1 para. 13(1) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), **ss. 13(7)(a)**, 19(1); S.R. 2004/267, art. 2
- F122** Words in Sch. 1 para. 13(2) inserted (14.7.2004) by [Justice \(Northern Ireland\) Act 2004 \(c. 4\)](#), **ss. 13(7)(b)**, 19(1); S.R. 2004/267, art. 2
- F123** Sch. 1 para. 13(2)(a) substituted (S.N.I.) (8.10.2001) by [S.I. 2001/2565](#), **arts. 1(2)**, 3(3)(a); S.R. 2001/337, **art. 2**
- F124** Words in Sch. 1 para. 13(2)(a) inserted (15.5.2008) by [The Criminal Justice \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1241\)](#), **arts. 1(2)**, **3(2)** (see S.R. 2008/217, art. 2, Sch.)
- F125** Sch. 1 para. 13(3A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 8 para. 24** (with arts. 28-31)
- F126** Words in Sch. 1 para. 13(5) inserted (8.10.2001) by [S.I. 2001/2565](#), **arts. 1(2)**, 3(3)(b); S.R. 2001/337, **art. 2**
- F127** Words in Sch. 1 para. 13(5) inserted (15.5.2008) by [The Criminal Justice \(Northern Ireland Consequential Amendments\) Order 2008 \(S.I. 2008/1241\)](#), **arts. 1(2)**, **3(2)** (see S.R. 2008/217, art. 2, Sch.)
- F128** Entry in Sch. 1 para. 13(5) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 135(8), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(oo)(3)(x)**.

Marginal Citations

- M10** 1993 c.9.

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Restricted transfers between the United Kingdom and the Channel Islands

- 14 (1) Her Majesty may by Order in Council make, in relation to restricted transfers under Part I of this Schedule between any part of the United Kingdom and any of the Channel Islands, provision broadly corresponding to that made by any of paragraphs 8 to 13 above.
- (2) An Order in Council under this paragraph may make such consequential, incidental, transitional and supplementary provision as Her Majesty considers appropriate.
- (3) An Order in Council under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Modifications etc. (not altering text)

C10 Sch. 1 para. 14 extended (31.7.1998) by 1998 c. 37, s. 121(12).

Unrestricted transfers: general

- 15 (1) Where a person's transfer under paragraph 1(1)(a) or (2)(a), 2(1)(a) or (2)(a) or 3(1)(a) or (2)(a) above to any part of the United Kingdom or to any of the Channel Islands is an unrestricted transfer, he shall be treated for the relevant purposes as if he had been remanded for an offence committed in the place to which he is transferred.
- (2) Subject to sub-paragraph (3) below, where a person's transfer under paragraph 1(1)(b) or (2)(b), 2(1)(b) or (2)(b) or 3(1)(b) or (2)(b) above to any part of the United Kingdom or to any of the Channel Islands is an unrestricted transfer, he shall be treated for the relevant purposes as if his sentence had been an equivalent sentence passed by a court in the place to which he is transferred.
- (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 has been 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) or (2) above of a person's supervision to any part of the United Kingdom or to any of the Channel Islands is an unrestricted transfer—
- (a) that person 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 place to which he is transferred; and
- (b) any functions of the Secretary of State under any provision of the law of that place which applies for those purposes shall be exercisable in relation to that person by any person appointed by the Secretary of State for the purpose.

[^{F129}(4A) [^{F130}Sub-paragraphs (3) and (4) have] effect subject to the following modifications—

- (a) in relation to a person transferred to Northern Ireland, any reference in sub-paragraph (3) above to the Secretary of State must be read as a reference to the Department of Justice in Northern Ireland;
- (b) in relation to a person whose supervision has been transferred to Northern Ireland, sub-paragraph (4)(b) above applies as if—
- (i) after “Secretary of State” where it first occurs there were inserted “or the Department of Justice in Northern Ireland”, and

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(ii) after “Secretary of State” where it occurs second there were inserted
 “or the Department of Justice (as the case may be)”.]

[^{F131}(4B) A person who is subject to a period of supervision of a type or length which could not have been imposed on an offender in the place to which the person has been transferred is to be treated for the relevant purposes as the receiving authority may direct.

(4C) In sub-paragraph (4B), “the receiving authority” means—

- (a) in relation to a person transferred to Scotland, the Scottish Ministers,
- (b) in relation to a person transferred to Northern Ireland, the Department of Justice in Northern Ireland, and
- (c) in relation to any other person, the Secretary of State.]

^{F132}(5)

Textual Amendments

- F129** Sch. 1 para. 15(4A) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 8 para. 25** (with arts. 28-31)
- F130** Words in Sch. 1 para. 15(4) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 6(2)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F131** Sch. 1 para. 15(4B)(4C) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 6(3)** (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F132** Sch. 1 para. 15(5) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), Sch. 32 para. 85(5), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), Sch. 1 paras. 42(32), 44(4)(o) (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))

Modifications etc. (not altering text)

- C11** Sch. 1 para. 15 extended (with modifications) (1.10.1997) by [S.I. 1997/1775](#), **art. 2**, Sch.; [S.I. 1997/2200](#), **art. 2**
 Sch. 1 para. 15 modified (28.7.1998) by [1998 c. 35](#), s. 17, **Sch. 3 para. 9(5)**; [S.I. 1998/1858](#), **art. 2**.
- C12** Sch. 1 para. 15(3)(4)(5) amended (1.7.1999) by [S.I. 1999/1280](#), arts. 1(2), 4, **Sch. 2 Pt. 1 para. 130(10)**; [S.I. 1998/3178](#), **art. 3**

Transfers ceasing to be restricted

- 16 Where a transfer under Part I of this Schedule ceases to be a restricted transfer at any time by reason of the removal of such a condition as is mentioned in paragraph 6(1)(a) above, paragraph 15 above shall apply as if the transfer were an unrestricted transfer and had been effected at that time.

Modifications etc. (not altering text)

- C13** Sch. 1 para. 16 extended (with modifications) (1.10.1997) by [S.I. 1997/1775](#), **art. 2**, Sch.; [S.I. 1997/2200](#), **art. 2**

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

Crime (Sentences) Act 1997, Part II is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 35(5)(c)s. 35(8)(a) by [2000 c. 43 Sch. 7 para. 139\(b\)](#)
- s. 8(5) by [2000 c. 43 Sch. 7 para. 143](#)