

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: Crime (Sentences) Act 1997, SCHEDULE 5 is up to date with all changes known to be in force on or before 18 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)*

## SCHEDULES

### SCHEDULE 5

Section 56(1).

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Sentences for offences committed before the commencement of Chapter I of Part II*

F1<sub>1</sub> .....

##### Textual Amendments

F1 Sch. 5 para. 1 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

##### *Consecutive sentences for offences committed before and after that commencement*

F2<sub>2</sub> .....

##### Textual Amendments

F2 Sch. 5 para. 2 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

##### *Concurrent sentences for offences committed before and after that commencement*

F3<sub>3</sub> .....

##### Textual Amendments

F3 Sch. 5 para. 3 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

##### *Crediting of periods of remand in custody*

F4<sub>4</sub> .....

##### Textual Amendments

F4 Sch. 5 para. 4 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

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### *Duty to release certain life prisoners*

5 <sup>F5</sup>(1) .....

<sup>F6</sup>(2) .....

(3) Section 28(7) of this Act shall have effect as if—

- (a) any reference of a prisoner's case made to the Parole Board under section 32(2) or 34(4) of the 1991 Act had been made under section 28(6) of this Act; and
- (b) any such reference made under section 39(4) of that Act had been made under section 32(4) of this Act.

#### **Textual Amendments**

- F5** Sch. 5 para. 5(1) repealed (30.11.2000 with effect as mentioned in Sch. 7 para. 145 and note to Sch. 8 of the repealing Act) by 2000 c. 43, ss. 74, 75, 80(3), Sch. 7 Pt. II para. 144, **Sch. 8**
- F6** Sch. 5 para. 5(2) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(a), **Sch. 10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

### *Life prisoners transferred to England and Wales*

<sup>F7</sup>6 .....

#### **Textual Amendments**

- F7** Sch. 5 para. 6 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

### *Recall of life prisoners while on licence*

7 (1) Section 32(3) and (4) of this Act shall have effect as if any life prisoner recalled to prison under subsection (1) or (2) of section 39 of the 1991 Act had been recalled to prison under <sup>F8</sup>... section 32 of this Act.

(2) Section 32(4) of this Act shall have effect as if any representations made by a life prisoner under section 39(3) of the 1991 Act had been made under section 32(3) of this Act.

#### **Textual Amendments**

- F8** Words in Sch. 5 para. 7 repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 2**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 50(2)(b)

### *Transfers of prisoners: general*

<sup>F9</sup>8 .....

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**Textual Amendments**

**F9** Sch. 5 para. 8 repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(b), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

*Transfers of prisoners from England and Wales to Scotland*

9 <sup>F10</sup>(1) .....

- (2) In relation to any time before the commencement of Chapter II of Part II of this Act, paragraph 8 of Schedule 1 to this Act shall have effect as if—
- (a) references in sub-paragraph (2) to provisions of that Chapter were references to 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;
  - (b) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as so relating; and
  - (c) the reference in sub-paragraph (5) to any provision of Part II of this Act were a reference to any provision of Part II of that Act.

**Textual Amendments**

**F10** Sch. 5 para. 9(1) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(b), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

*Transfers of prisoners from England and Wales to Northern Ireland*

10 <sup>F11</sup>(1) .....

- (2) In relation to any time before the commencement of Chapter II of Part II of this Act, paragraph 9 of Schedule 1 to this Act shall have effect as if—
- (a) references in sub-paragraph (2) to provisions of that Chapter were references to 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;
  - (b) references in sub-paragraph (4) to provisions of that Chapter were references to sections 37, 39, 43 and 46 of the 1991 Act and paragraphs 8 and 9 of Schedule 12 to that Act, so far as so relating; and
  - (c) the reference in sub-paragraph (5) to any provision of Part II of this Act were a reference to any provision of Part II of that Act.

**Textual Amendments**

**F11** Sch. 5 para. 10(1) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(b), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

*Transfers of prisoners from Scotland to England and Wales*

11 <sup>F12</sup>(1) .....

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- (2) In relation to any prisoner to whom the existing provisions apply, paragraph 10 of Schedule 1 to this Act shall have effect as if—
- (a) references in sub-paragraph (2) to [<sup>F13</sup>sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M1</sup>Prisoners and Criminal Proceedings (Scotland) Act 1993 (“the 1993 Act”)] were references to Schedule 6 to the 1993 Act and to the following existing provisions, namely, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43 of, and Schedule 1 to, [<sup>F13</sup>the Prisons (Scotland) Act 1989 (“the 1989 Act”)] and any rules made under section 18 or 39 of that Act;
  - (b) references in sub-paragraph (5) to [<sup>F14</sup>sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act] were references to the said Schedule 6 and to the following existing provisions, namely, sections 30, 32 and 43 of the 1989 Act; and
  - (c) the reference in sub-paragraph (7) to any provision of Part I of the 1993 Act <sup>F15</sup> . . . were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (3) <sup>F15</sup> . . . In sub-paragraph (2) above—
- (a) the reference to section 19(4) of the 1989 Act is a reference to that provision so far as it applies section 24 of that Act in relation to persons detained in young offenders institutions; and
  - (b) any reference to the existing provisions is a reference to the existing provisions within the meaning of Schedule 6 to the 1993 Act.

#### Textual Amendments

- F12** Sch. 5 para. 11(1) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(c), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.
- F13** Words in Sch. 5 para. 11(2)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 138(2)(a)**; S.I. 1998/2327, **art. 2(2)(pp)**.
- F14** Words in Sch. 5 para. 11(2)(b) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 138(2)(b)**; S.I. 1998/2327, **art. 2(2)(pp)**.
- F15** Words in Sch. 5 para. 11(2)(c)(3) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(c), **Sch.10**; S.I. 1998/2327, **art. 2(2)(pp)(3)(x)**.

#### Modifications etc. (not altering text)

- C1** Sch. 5 para. 11(3) amended (1.7.1999) by S.I. 1999/1280, arts. 1(2), 4, **Sch. 2 Pt. I para. 130**(12); S.I. 1998/3178, **art. 3**)

#### Marginal Citations

- M1** 1993 c.9.

### *Transfers of prisoners from Scotland to Northern Ireland*

12 <sup>F16</sup>(1) . . . . .

- (2) In relation to any prisoner to whom the existing provisions apply, paragraph 11 of Schedule 1 to this Act shall have effect as if—
- (a) references in sub-paragraph (2) to [<sup>F17</sup>sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the <sup>M2</sup>Prisoners and

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Criminal Proceedings (Scotland) Act (“the 1993 Act”)] were references to Schedule 6 to the 1993 Act and to the following existing provisions, namely, sections 18, 19(4), 22, 24, 26, 28 to 30, 32 and 43, and Schedule 1 to, [<sup>F17</sup>the Prisons (Scotland) Act 1989 (“the 1989 Act”)] and any rules made under section 18 or 39 of that Act;

- (b) references in sub-paragraph (4) to [<sup>F18</sup>sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act] were references to the said Schedule 6 and to the following existing provisions, namely, sections 30, 32 and 43 of the 1989 Act; and
- (c) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act [<sup>F19</sup> . . . were a reference to any provision of the said Schedule 6 or the 1989 Act.

- (3) Sub-paragraph (3) of paragraph 11 above shall apply for the purposes of this paragraph as it applies for the purposes of that paragraph.

#### Textual Amendments

- F16** Sch. 5 para. 12(1) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(d), Sch.10; S.I. 1998/2327, art. 2(2)(pp)(3)(x).
- F17** Words in Sch. 5 para. 12(2)(a) substituted (30.9.1998) by 1998 c. 37, s. 119, Sch. 8 para. 138(3)(a); S.I. 1998/2327, art. 2(2)(pp).
- F18** Words in Sch. 5 para. 12(2)(b) substituted (30.9.1998) by 1998 c. 37, s. 119, Sch. 8 para. 138(3)(b); S.I. 1998/2327, art. 2(2)(pp).
- F19** Words in Sch. 5 para. 12(2)(c) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 138(1)(d), Sch.10; S.I. 1998/2327, art. 2(2)(pp)(3)(x).

#### Marginal Citations

- M2** 1993 c.9.

#### Interpretation

- 13 In this Schedule—
  - “life prisoner” has the same meaning as in Chapter II of Part II of this Act;
  - “term of imprisonment” includes a sentence of detention in a young offender institution or under section 53 of the 1933 Act.

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