

SCHEDULE 3

FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: PRISONERS ETC. – FUNCTIONS UNDER THE 1989 ACT AND THE 1993 ACT

PART I

TRANSFERRED PRISONERS WHO ARE SENTENCED ON OR AFTER 1ST OCTOBER 1993

Restricted transfers from Scotland to England and Wales

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 for other judicial purposes) from Scotland to England and Wales is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 10(2) of Schedule 1 to the 1997 Act(1)–

sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26A and 27 and Schedules 2 and 6 or, as the case may require, sections 1(4), 2, 3, 6(1)(b)(i) and (iii), 11 to 13 and 17(2).

(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 Scotland to England and Wales is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 10(5) of Schedule 1 to the 1997 Act(3)–

sections 1A, 2(4), 3A, 11 to 13, 15 to 21, 26A and 27 and Schedules 2 and 6, or, as the case may require, sections 2(4), 11 to 13 and 17.

Commencement Information

II Sch. 3 para. 1 in force at 30.6.1999, see [art. 1](#)

Restricted transfers from Scotland to Northern Ireland

2.—(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 from Scotland to Northern Ireland is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 11(2) of Schedule 1 to the 1997 Act(4)–

sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15 to 21, 26 and 27 and Schedules 2 and 6 or, as the case may require, sections 1(4), 2, 3, 6(1)(b)(i) and (iii), 11 to 13 and 17.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Scotland to Northern Ireland is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 11(4) of Schedule 1 to the 1997 Act(5)–

sections 1A, 3A, 11 to 13, 15 to 21, 26A and 27 and Schedules 2 and 6 or, as the case may require, sections 2(4), 11 to 13 and 17.

(1) Paragraph 10(2) was amended by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 135(5).

(2) Sections 1A, 3A and 26A were inserted by the Crime and Disorder Act 1998, sections 111, 88 and 87 respectively.

(3) Paragraph 10(5) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(5).

(4) Paragraph 11(2) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(6).

(5) Paragraph 11(4) was amended by the Crime and Disorder Act 1998, Schedule 8, paragraph 135(6).

Commencement Information

I2 Sch. 3 para. 2 in force at 30.6.1999, see [art. 1](#)

Restricted transfers from Scotland to Guernsey or Jersey

3.—(1) Where a person's transfer under paragraph 1(1)(b) of 2(1)(b) or 3(1)(b) of Schedule 1 to the 1997 Act from Scotland to Guernsey or Jersey is a restricted transfer, the functions of the Secretary of State under the 1993 Act but only to the extent it is applied by paragraphs 5(2)(a) and 7(2)(a) of Schedule 1 to the 1998 Order—

sections 1, 1A, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15, 16 (but not subsections (3) and (4) of that section), 17 to 21, 26A and 27 and Schedules 2 and 6 or, as the case may require, sections 1(4), 2, 3, 6(1)(b)(i) and (iii), 11 to 13 and 17.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Scotland to Guernsey or Jersey is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 5(4) and 7(4) of Schedule 1 to the 1998 Order—

sections 1A, 3A, 11 to 13, 15, 16 (but not subsections (3) and (4) of that section), 17 to 21, 26A and 27 and Schedules 2 and 6 or, as the case may require, sections 2(4), 11 to 13 and 17.

Commencement Information

I3 Sch. 3 para. 3 in force at 30.6.1999, see [art. 1](#)

Restricted transfers from Scotland to the Isle of Man

4.—(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 from Scotland to the Isle of Man⁽⁶⁾ is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent it is applied by paragraph 6(2) of Schedule 1 to the 1998 Order—

sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15, 17 to 21, 26A and 27 and Schedules 2 and 6, or as the case may require, sections 1(4), 2, 3, 6(1)(b)(i) and (iii), 11 to 13 and 17.

(2) Where a transfer under paragraph 4(1) of Schedule 1 to the 1997 Act of a person's supervision from Scotland to the Isle of Man⁽⁷⁾ is a restricted transfer, the functions of the Secretary of State under the following provisions of the 1993 Act but only to the extent that is applied by paragraph 6(4) of Schedule 1 to the 1998 Order—

sections 1A, 3A, 11 to 13, 15, 17 to 21, 26A and 27 and Schedules 2 and 6 or, as the case may require, sections 2(4), 11 to 13 and 17.

Commencement Information

I4 Sch. 3 para. 4 in force at 30.6.1999, see [art. 1](#)

⁽⁶⁾ Paragraph 1(1)(b), 2(1)(b) and 3(1)(b) were extended to the Isle of Man by S.I. 1997/1775.

⁽⁷⁾ Paragraph 4(1) was extended to the Isle of Man by S.I. 1997/1775.

Changes to legislation:

There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, PART I.