

---

STATUTORY INSTRUMENTS

---

**1998 No. 2798**

**CRIMINAL LAW, ENGLAND AND WALES  
CRIMINAL LAW, NORTHERN IRELAND  
CRIMINAL LAW, SCOTLAND**

**The Transfer of Prisoners (Restricted Transfers)  
(Channel Islands and Isle of Man) Order 1998**

*Made - - - - 17th November 1998*  
*Laid before Parliament 27th November 1998*  
*Coming into force - - 18th December 1998*

Her Majesty, in pursuance of paragraph 14 of Schedule 1 to the Crime (Sentences) Act 1997<sup>(1)</sup> as enacted, and as it applies in relation to the Isle of Man by the Transfer of Prisoners (Isle of Man) Order 1997<sup>(2)</sup> and section 121(12)(a) of the Crime and Disorder Act 1998<sup>(3)</sup>, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1998 and shall come into force on 18th December 1998.
2. The provisions specified in Schedule 1 to this Order shall apply in relation to restricted transfers under Part I of Schedule 1 to the Crime (Sentences) Act 1997 between the various parts of the United Kingdom and the Channel Islands, and between those parts and the Isle of Man.
3. The transitional provisions in Schedule 2 to this Order shall have effect.
4. In the Schedules to this Order—
  - “Guernsey” means the Bailiwick of Guernsey;
  - “Jersey” means the Bailiwick of Jersey;
  - “the Act” means the Crime (Sentences) Act 1997;
  - “the 1991 Act” means the Criminal Justice Act 1991<sup>(4)</sup>;
  - “the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993<sup>(5)</sup>;
  - “the 1998 Act” means the Crime and Disorder Act 1998.

---

(1) 1997 c. 43.  
(2) S.I. 1997/1579.  
(3) 1998 c. 37.  
(4) 1991 c. 53.  
(5) 1993 c. 9.

---

**Status:** *This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.*

---

5. The Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1997(6) is hereby revoked.

*A. K. Galloway*  
Clerk of the Privy Council

SCHEDULE 1

Article 2

PROVISIONS APPLYING TO RESTRICTED TRANSFERS BETWEEN THE  
VARIOUS PARTS OF THE UNITED KINGDOM AND THE CHANNEL  
ISLANDS, AND BETWEEN THOSE PARTS AND THE ISLE OF MAN

1. In this Schedule—

- “the Schedule” means Schedule 1 to the Act;
- “prison” has the same meaning as in the Schedule.

**Restricted Transfers from England and Wales to Guernsey**

2.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from England and Wales to Guernsey 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 Guernsey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from England and Wales to Guernsey is a restricted transfer—

- (a) sections 33 to 40, 41 to 46 and 65 (but not subsections (1A) or (1B) of that section) of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act(7) and sections 75 to 77 of the 1998 Act or, as the case may require, sections 28 to 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Guernsey; 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 Guernsey.

---

(7) Section 33 was amended by the 1998 Act, section 104(1) and Schedule 8, paragraph 80, subject to transitional provisions in the 1998 Act, Schedule 9, paragraphs 12(3) and 13.  
Section 33A was inserted by the 1998 Act, Schedule 8, paragraph 81, subject to transitional provisions in the 1998 Act, Schedule 9, paragraph 12(4) and in S.I. 1998/2327 (C.53).  
Section 34 was repealed by Schedule 6 to the Act.  
Section 34A was inserted (prospectively) by the 1998 Act, section 99, subject to a transitional provision in the 1998 Act, Schedule 9, paragraph 12(5).  
Section 35 was repealed by Schedule 6 to the Act subject to a saving for determinate sentence prisoners in S.I. 1997/2200.  
Section 36 was repealed by Schedule 6 to the Act subject to a saving for determinate sentence prisoners in S.I. 1997/2200; and was amended by the 1998 Act, Schedule 8, paragraph 82.  
Section 37 was repealed by Schedule 6 to the Act subject to a saving for determinate sentence prisoners in S.I. 1997/2200; it was amended (in part prospectively) by the 1998 Act, section 104(2) and Schedule 8, paragraph 83, subject to transitional provisions in the 1998 Act, Schedule 9, paragraph 12(2)(b) and 13 and in S.I. 1998/2327 (C.53).  
Section 37A was inserted (prospectively) by the 1998 Act, section 100(1).  
Section 38 was repealed (prospectively) by the 1998 Act, section 103(2) and Schedule 10, subject to transitional provisions in the 1998 Act, Schedule 9, paragraphs 12(2)(a) and (c).  
Section 38A was inserted (prospectively) by the 1998 Act, section 100(2).  
Section 39 was repealed by Schedule 6 to the Act subject to a saving for determinate sentence prisoners in S.I. 1997/2200; it was amended by the 1998 Act, section 103(3) (prospectively) and Schedule 8, paragraph 84, subject to a transitional provision in the 1998 Act, Schedule 9, paragraph 12(2)(a).  
Section 40 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 9, paragraph 47, and Schedule 10, paragraph 67; and by the 1998 Act, Schedule 7, paragraph 43, and Schedule 8, paragraph 85.  
Section 41 was amended (prospectively) by the 1998 Act, Schedule 8, paragraph 86.  
Section 43 was repealed by Schedule 6 to the Act subject to a saving for determinate sentence prisoners in S.I. 1997/2200; and was amended by the 1998 Act, Schedule 8, paragraph 87.  
Section 44 was substituted by the 1998 Act, section 59, subject to transitional provisions in the 1998 Act, Schedule 9, paragraph 12(7) and in S.I. 1998/2327 (C.53).  
Section 44A was inserted by the 1998 Act, section 60.  
Section 45 was amended (in part, prospectively) by the 1998 Act, Schedule 8, paragraph 88, subject to transitional provisions in the 1998 Act, Schedule 9, paragraphs 12(2)(b) and (c) and (8), and in S.I. 1998/2327 (C.53).  
Section 46 was amended by the 1998 Act, Schedule 8, paragraph 89.  
Section 65 was amended (in part, prospectively) by the 1998 Act, Schedule 8, paragraph 94.

(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) of the Schedule of a person's supervision from England and Wales to Guernsey is a restricted transfer—

- (a) sections 37 to 40, 42 to 46 and 65 (but not subsections (1A) or (1B) of that section) of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the 1998 Act or, as the case may require, sections 31, 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Guernsey; 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 Guernsey.

(5) Any provision of Part II of the 1991 Act or of Part II of the Act 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>
Crown Court	Royal Court
Level 3 on the standard scale	Level 3 on the uniform scale provided by the Scale of Uniform Fines (Bailiwick of Guernsey) Law, 1989
Summary conviction	Conviction in the Magistrate's Court.

(6) Section 34A(2)(e) of the 1991 Act, as applied by paragraph (2) above, shall have effect as if the reference to removal from the United Kingdom were a reference to removal from Guernsey.

(7) Section 37(4A) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if for the words from "supervision by" to the end there were substituted the words "supervision by a probation officer".

(8) Section 38 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to the magistrates' court were a reference to the Magistrate's Court.

(9) Section 40 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to a magistrates' court or to the magistrates' court were a reference to the Magistrate's Court; and
- (b) in subsection (3)(b), the words "subject to section 25 of the Criminal Justice and Public Order Act 1994(8)," were omitted.

(10) Section 41 of the 1991 Act, as applied by sub-paragraph (2) above, shall have effect as if section 67 of the Criminal Justice Act 1967(9) or, as the case may be, section 9 of the Act extended to Guernsey.

---

(8) [c.33](#); section 25 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 ([c. 40](#)), Schedule 4, paragraph 93(2).

(9) [1967 c. 80](#); section 67 was amended by the Criminal Justice Act 1972 ([c. 71](#)), Schedule 5; by the Powers of Criminal Courts Act 1973 ([c. 62](#)), section 56(1) and Schedule 5, paragraph 22; by the Criminal Justice Act 1982 ([c. 48](#)), section 10 and Schedule 14, paragraph 22; by the Police and Criminal Evidence Act 1984 ([c. 60](#)), section 49; by the Criminal Justice Act 1988 ([c. 33](#)), section 130 and Schedule 15, paragraphs 17 and 19; by the Children Act 1989 ([c. 41](#)), Schedule 13, paragraph 16; by the

(11) Section 42 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to prison rules (being rules made under section 47 of the Prison Act 1952<sup>(10)</sup>) were a reference to the provisions of an Ordinance made under section 3 of the Prison Administration (Guernsey) Law, 1949, as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957.

(12) Section 46 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to removal from the United Kingdom were a reference to removal from Guernsey; and
- (b) for paragraphs (a) to (d) of subsection (3) there were substituted—
  - “(a) he is liable to deportation under section 3(5) or (6) of the Immigration Act 1971<sup>(11)</sup> as that section has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;
  - (b) he is liable to deportation under the above section 3(5) as it extends to Guernsey under the Immigration (Guernsey) Order 1993<sup>(12)</sup> and has been notified of a decision to make a deportation order against him;
  - (c) he is liable to deportation under the above section 3(6) as it extends to Guernsey under that Order; or
  - (d) he has been notified of a decision to refuse him leave to enter the United Kingdom or Guernsey.”

(13) Section 65 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in subsection (1), for the words from “supervision of” to the end there were substituted the words “supervision of a probation officer”; and
- (b) in subsection (7), for the words “detention in a young offender institution” there shall be substituted the words “youth detention”.

(14) Paragraph 10 of Schedule 12 to the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to prison rules were a reference to an Ordinance.

### **Restricted Transfers from England and Wales to the Isle of Man**

3.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a)<sup>(13)</sup> of the Schedule from England and Wales to the Isle of Man 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 the Isle of Man.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from England and Wales to the Isle of Man is a restricted transfer—

- (a) sections 33 to 37, 39, 41 to 46 and 65 (but not subsections (1A) and (1B) of that section) of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75

---

Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4), Schedule 8, paragraph 2; by the 1991 Act, Schedule 11, paragraph 2; and by the 1998 Act, Schedule 8, paragraph 10 (in part, prospectively).

(10) 1952 c. 52; section 47 was amended by the Criminal Justice Act 1967 (c. 80), sections 66(5) and 103(2) and Schedule 7, Part I; and by the Criminal Justice and Public Order Act 1994 (c. 33), section 6; there are other amendments of section 47 which are not relevant to this Schedule.

(11) 1971 c. 77; section 3(5) and (6) was amended by the British Nationality Act 1981 (c. 61), Schedule 4, paragraph 2; and section 3(5) was amended by the Asylum and Immigration Act 1996 (c. 49), Schedule 2 paragraph 1(2), which amendment was extended to Guernsey by S.I. 1998/1264.

(12) S.I. 1993/1796.

(13) Paragraphs 1, 2 and 3 were extended to, and applied in relation to, the Isle of Man, with modifications, by S.I. 1997/1775.

to 77 of the 1998 Act or, as the case may require, sections 28 to 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; 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 the Isle of Man.

(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)(14) of the Schedule of a person's supervision from England and Wales to the Isle of Man is a restricted transfer—

- (a) sections 37, 39, 42 to 46 and 65 (but not subsections (1A) and (1B) of that section) of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the 1998 Act or, as the case may require, sections 31, 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of the Isle of Man; 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 the Isle of Man.

(5) Any provision of Part II of the 1991 Act or of Part II of the Act 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>
Magistrates' court	Court of summary jurisdiction
Crown Court	Court of General Gaol Delivery

(6) Section 34A(2)(e) of the 1991 Act, as applied by sub-paragraph (2) above, shall have effect as if the reference to removal from the United Kingdom were a reference to removal from the Isle of Man.

(7) Section 37(4A) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if for the words from “supervision by” to the end there were substituted the words “supervision by a probation officer”.

(8) Section 41 of the 1991 Act, as applied by sub-paragraph (2) above, shall have effect as if section 67 of the Criminal Justice Act 1967 or, as the case may be, section 9 of the Act extended to the Isle of Man.

(9) Section 42 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to prison rules (being rules made under section 47 of the Prison Act 1952) were a reference to custody rules.

(10) Section 43(5) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to a social worker of a local authority social services department were a reference to an officer of the Department of Health and Social Security.

(11) Section 46 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

---

(14) Paragraph 4 was extended to, and applied in relation to, the Isle of Man, with modifications, by S.I. 1997/1775.

- (a) any reference to removal from the United Kingdom were a reference to removal from the Isle of Man; and
  - (b) for paragraphs (a) to (d) of subsection (3) there were substituted—
    - “(a) he is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;
    - (b) he is liable to deportation under the above section 3(5) as it extends to the Isle of Man under the Immigration (Isle of Man) Order 1991(15) and has been notified of a decision to make a deportation order against him;
    - (c) he is liable to deportation under the above section 3(6) as it extends to the Isle of Man under that Order; or
    - (d) he has been notified of a decision to refuse him leave to enter the United Kingdom or the Isle of Man.”.
- (12) Section 65 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—
- (a) in subsection (1), for the words from “supervision of” to the end there were substituted the words “supervision of a probation officer or an officer of the Department of Health and Social Security”;
  - (b) in subsection (7)(a), the reference to imprisonment were a reference to custody; and
  - (c) in subsection (7)(b), the reference to a young offender institution were a reference to an institution within the meaning of the Custody Act 1995 (an Act of Tynwald).
- (13) Paragraph 10 of Schedule 12 to the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to prison rules were a reference to custody rules.

### **Restricted Transfers from England and Wales to Jersey**

4.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from England and Wales to Jersey 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 Jersey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from England and Wales to Jersey is a restricted transfer—

- (a) sections 33 to 39, 40 (but not subsections (3), (3A) and (3B) of that section), 41 to 46 and 65 (but not subsections (1A) and (1B) of that section) of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 75 to 77 of the 1998 Act or, as the case may require, sections 28 to 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Jersey; 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 Jersey.

(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) of the Schedule of a person’s supervision from England and Wales to Jersey is a restricted transfer—

- (a) sections 37 to 39, 40 (but not subsections (3), (3A) and (3B) of that section), 42 to 46 and 65 (but not subsections (1A) and (1B) of that section) of the 1991 Act, paragraphs 8, 10 to 13 and 19 of Schedule 12 to that Act and sections 76 and 77 of the 1998 Act or, as the case may require, sections 31, 32 and 34 of the Act shall apply to him in place of the corresponding provisions of the law of Jersey; 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 Jersey.
- (5) Any provision of Part II of the 1991 Act or of Part II of the Act 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>
Standard scale	Standard scale in accordance with the Criminal Justice (Standard Scale of Fines) (Jersey) Order 1993
Summary conviction	Conviction

(6) Section 34A(2)(e) of the 1991 Act, as applied by sub-paragraph (2) above, shall have effect as if the reference to removal from the United Kingdom were a reference to removal from Jersey.

(7) Section 37(4A) of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if for the words from “supervision by” to the end there were substituted the words “supervision by a “délégué” appointed under Article 7 of the Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée”.

(8) Section 38 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to the magistrates' court were a reference to the Magistrate's Court.

(9) Section 41 of the 1991 Act, as applied by sub-paragraph (2) above, shall have effect as if section 67 of the Criminal Justice Act 1967 or, as the case may be, section 9 of the Act extended to Jersey.

(10) Section 42 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to prison rules (being rules made under the Prison Act 1952) were a reference to rules made under Article 26 of the Prison (Jersey) Law, 1957, as amended by the Prison (Amendment No. 2) (Jersey) Law, 1981 and by the Prison (Amendment No. 3) (Jersey) Law 1994.

(11) Section 46 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

(a) any reference to removal from the United Kingdom were a reference to removal from Jersey; and

(b) for paragraphs (a) to (d) of subsection (3) there were substituted—

“(a) he is liable to deportation under section 3(5) or (6) of the Immigration Act 1971(16) as that section has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;

---

(16) The amendment of section 3(5) made by the Asylum and Immigration Act 1996 (c. 49), Schedule 2, paragraph 1(2), was extended to Jersey by S.I. 1998/1070.

- (b) he is liable to deportation under the above section 3(5) as it extends to Jersey under the Immigration (Jersey) Order 1993(17) and has been notified of a decision to make a deportation order against him;
- (c) he is liable to deportation under the above section 3(6) as it extends to Jersey under that Order; or
- (d) he has been notified of a decision to refuse him leave to enter the United Kingdom or Jersey.”

(12) Section 65 of the 1991 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if, in subsection (1), for the words from “supervision of” to the end there were substituted the words “supervision of a “délégué” appointed under Article 7 of the Loi (1937) sur l’atténuation des peines et sur la mise en liberté surveillée”.

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

5.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to Guernsey is a restricted transfer—

- (a) sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995(18) (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 Guernsey; 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 Guernsey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to Guernsey is a restricted transfer—

- (a) sections 1, 1A, 3, 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 of, and Schedules 2 and 6 to, the 1993 Act or, as the case may require, sections 1(4), 2, 3, 6(1)(b)(i) and (iii), 11 to 13 and 17 of the 1993 Act(19) shall apply to him in place of the corresponding provisions of the law of Guernsey; but

---

(17) S.I. 1993/1797.

(18) 1995 c. 46; section 65 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 73(3); and by the Crime and Punishment (Scotland) Act 1997 (c. 48) (“the 1997 Act”), Schedule 1, paragraph 21(9).

(19) Section 1 was amended by the 1997 Act, Schedule 1, paragraph 14(2)(b); and by the 1998 Act, Schedule 8, paragraph 98, subject to transitional provisions (as to the amendment of section 1(2)) in S.I. 1998/2327 (C.53).

Section 1A was inserted by the 1998 Act, section 111(1).

Section 2 was amended by the 1997 Act, Schedule 1, paragraph 14(3).

Section 3A was inserted by the 1998 Act, section 88.

Section 5 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(3); and by the 1998 Act, Schedule 8, paragraph 100(a), subject to transitional provisions in S.I. 1998/2327 (C.53); and section 5(4) was inserted by the 1998 Act, Schedule 8, paragraph 100(b), subject to transitional provisions in that instrument.

Section 6 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(4).

Section 7(1) and (5) was amended by the 1998 Act, Schedule 8, paragraph 101, subject to transitional provisions (as to subsection (1)) in S.I. 1998/2327 (C.53); and subsections (2A), (2B), (2C) and (4A) were inserted by that paragraph.

Section 11 was amended by the Criminal Justice (Scotland) Act 1995 (c. 20), Schedule 6, paragraph 179(2); subsections (3) (b) and (4) were repealed by the 1998 Act, Schedule 8, paragraph 102, and Schedule 10, subject to transitional provisions in S.I. 1998/2327 (C.53).

Section 12 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 131; and by the 1997 Act, Schedule 1, paragraph 14(10)(b).

Section 15 was amended by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 86(8).

Section 16(1) and (7)(a) was amended by the 1998 Act, Schedule 8, paragraph 104; section 16(7)(b) was repealed by the 1998 Act, Schedule 8, paragraph 104 subject to transitional provisions in S.I. 1998/2327 (C.53); section 16(8) was inserted by the 1998 Act, section 111(2).

Section 17 was modified in its application to certain prisoners by S.I. 1995/911; and by the 1998 Act, section 111(8); subsection (4A) was inserted by the 1998 Act, Schedule 8, paragraph 105.

Section 18 was amended by the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 179(2); and by the Criminal Justice (Scotland) Act 1995 (c. 20), Schedule 6, paragraph 179(4).

(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 Guernsey.

(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) of the Schedule of a person's supervision from Scotland to Guernsey is a restricted transfer—

(a) sections 1A, 3A, 11 to 13, 15, 16 (but not subsections (3) and (4) of that section), 17 to 21, 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 Guernsey; 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 Guernsey.

(5) Any reference in—

(a) sub-paragraphs (2) and (4) 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;

(b) the said sub-paragraph (2) 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 Criminal Procedure (Scotland) Act 1995.

(6) Any provision of Part I of the 1993 Act 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>
Justices for a petty sessions area	Chief Probation officer
Probation officer appointed for or assigned to such petty sessions area	Probation officer

(7) Section 9 of the 1993 Act, as applied by sub-paragraph (2) above, shall have effect as if—

(a) any reference to removal from the United Kingdom were a reference to removal from Guernsey; and

(b) for paragraphs (a) to (d) of subsection (3) there were substituted—

“(a) is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;

---

Section 20 was amended by the 1998 Act, Schedule 8, paragraph 106.

Section 26A was inserted by the 1998 Act, section 87.

Section 27 was amended by the Local Government (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 179(3); section 27(5) was substituted by the 1998 Act, section 111(3); and section 27(8) was inserted by the 1998 Act, Schedule 8, paragraph 107. Schedule 6 was amended by the Criminal Justice Act 1993 (c. 36), sections 75 and 76; by the Criminal Justice and Public Order Act 1994 (c. 33), sections 134 and 135; by the 1997 Act, Schedule 1, paragraph 14(18)(a) and (b), and Schedule 4, paragraph 16(2); paragraph 6B was amended and repealed in part by the 1998 Act, section 111(4) and Schedule 10; paragraph 6C was inserted by the 1998 Act, section 111(5), and paragraph 6D by the 1998 Act, Schedule 8, paragraph 108.

- (b) is liable to deportation under the above section 3(5) as it extends to Guernsey under the Immigration (Guernsey) Order 1993 and has been notified of a decision to make a deportation order against him;
- (c) is liable to deportation under the above section 3(6) as it extends to Guernsey under that Order; or
- (d) has been notified of a decision to refuse him leave to enter the United Kingdom or Guernsey.”.

(8) Section 16 of the 1993 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in subsection (1)(b), the reference to England and Wales were a reference to Guernsey; and
- (b) in subsection (2), the reference to Scotland were a reference to Scotland or Guernsey.

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

6.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 65 and 147 of the 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 the Isle of Man; 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 the Isle of Man.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15, 17 to 21, 26A and 27 of, and Schedules 2 and 6 to, the 1993 Act or, as the case may require, sections 1(4), 2, 3, 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 the Isle of Man; 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 the Isle of Man.

(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) of the Schedule of a person’s supervision from Scotland to the Isle of Man is a restricted transfer—

- (a) sections 1A, 3A, 11 to 13, 15, 17 to 21, 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 the Isle of Man; 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 the Isle of Man.

(5) Any reference in—

- (a) sub-paragraphs (2) and (4) 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;

(b) the said sub-paragraph (2) 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 Criminal Procedure (Scotland) Act 1995.

(6) Any provision of Part I of the 1993 Act 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>
Justices for a petty sessions area	Department of Home Affairs
Probation officer appointed for or assigned to such petty sessions area	Probation officer

- (7) Section 9 of the 1993 Act, as applied by sub-paragraph (2) above, shall have effect as if—
- (a) any reference to removal from the United Kingdom were a reference to removal from the Isle of Man; and
  - (b) for paragraphs (a) to (d) of subsection (3) there were substituted—
    - “(a) is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;
    - (b) is liable to deportation under the above section 3(5) as it extends to the Isle of Man under the Immigration (Isle of Man) Order 1991 and has been notified of a decision to make deportation order against him;
    - (c) is liable to deportation under the above section 3(6) as it extends to the Isle of Man under that Order; or
    - (d) has been notified of a decision to refuse him leave to enter the United Kingdom or the Isle of Man.”.

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

7.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Scotland to Jersey is a restricted transfer—

- (a) sections 65 and 147 of the 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 Jersey; 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 Jersey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Scotland to Jersey is a restricted transfer—

- (a) sections 1, 1A, 3, 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 of, and Schedules 2 and 6 to, the 1993 Act or, as the case may require, sections 1(4), 2, 3, 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 Jersey; 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 Jersey.

(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) of the Schedule of a person's supervision from Scotland to Jersey is a restricted transfer—

- (a) sections 1A, 3A, 11 to 13, 15, 16 (but not subsections (3) and (4) of that section), 17 to 21, 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 Jersey; 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 Jersey.

(5) Any reference in—

- (a) sub-paragraphs (2) and (4) 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;
- (b) in the said sub-paragraph (2) 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 Criminal Procedure (Scotland) Act 1995.

(6) Any provision of Part I of the 1993 Act 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>
Justices for a petty sessions area	Chief Probation Officer
Probation officer appointed for or assigned to such petty sessions area	Délégué appointed under Article 7 of the Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée

(7) Section 9 of the 1993 Act, as applied by sub-paragraph (2) above, shall have effect as if—

- (a) any reference to removal from the United Kingdom were a reference to removal from Jersey; and
- (b) for paragraphs (a) to (d) of subsection (3) there were substituted—
  - “(a) is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;
  - (b) is liable to deportation under the above section 3(5) as it extends to Jersey under the Immigration (Jersey) Order 1993 and has been notified of a decision to make a deportation order against him;
  - (c) is liable to deportation under the above section 3(6) as it extends to Jersey under that Order; or
  - (d) has been notified of a decision to refuse him leave to enter the United Kingdom or Jersey.”.

(8) Section 16 of the 1993 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in subsection (1)(b), the reference to England and Wales were a reference to Jersey; and
- (b) in subsection (2), the reference to Scotland were a reference to Scotland or Jersey.

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

8.—(1) Where a person’s transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Northern Ireland to Guernsey 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 Guernsey.

(2) Where a person’s transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Northern Ireland to Guernsey is a restricted transfer—

- (a) sections 13(7), 23 and 24 of the Prison Act (Northern Ireland) 1953<sup>(20)</sup>, Articles 3, 4 and 6 of the Treatment of Offenders (Northern Ireland) Order 1976<sup>(21)</sup> (“the 1976 Order”) and Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996<sup>(22)</sup> (“the 1996 Order”) or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995<sup>(23)</sup> shall apply to him in place of the corresponding provisions of the law of Guernsey; 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 Guernsey.

(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) of the Schedule of a person’s supervision from Northern Ireland to Guernsey is a restricted transfer—

- (a) section 23 of the Prison Act (Northern Ireland) 1953, Articles 3, 4 and 6 of the 1976 Order and Articles 26 to 28 of the 1996 Order or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of Guernsey; 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 Guernsey.

(5) Any provision of the Prison Act (Northern Ireland) 1953 or the 1996 Order 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>
A prison	The States Prison
Complaint	Information
Crown Court	Royal Court

---

<sup>(20)</sup> 1953 c. 18 (N.I.).

<sup>(21)</sup> S.I. 1976/226 (NI 4); Article 3 was amended by S.I. 1989/1344 (NI 15).

<sup>(22)</sup> S.I. 1996/3160 (NI 24).

<sup>(23)</sup> 1995 c. 47.

<i>Expression</i>	<i>Substituted expression</i>
Probation officer appointed for or assigned to the petty sessions district within which the offender resides	Probation Officer

(6) Article 3 of the 1976 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to a magistrates' court or to the magistrates' court were a reference to the Magistrate's Court; and
- (b) in paragraph (1)(a), the reference to Northern Ireland were a reference to Guernsey.

(7) Article 4 of the 1976 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) the reference to a magistrates' court were a reference to the Magistrate's Court; and
- (b) the words from “and where” to the end were omitted.

(8) Section 1 of the Northern Ireland (Remission of Sentences) Act 1995, as applied by sub-paragraph (2) or (4) above, shall have effect as if, in subsection (6), the reference to section 15 of the Northern Ireland (Emergency Provisions) Act 1991(24) were omitted.

(9) Articles 27 and 28 of the 1996 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to a court of summary jurisdiction (apart from in Article 27(2)), or to the court of summary jurisdiction, were a reference to the Magistrate's Court; and as if the reference in Article 27(2) to a court of summary jurisdiction acting for the petty sessions district in which he resides were a reference to the Court; and
- (b) any reference to a justice of the peace, or to the justice, were a reference to the Magistrate.

### **Restricted transfers from Northern Ireland to the Isle of Man**

9.—(1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Northern Ireland to the Isle of Man 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 the Isle of Man.

(2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Northern Ireland to the Isle of Man is a restricted transfer—

- (a) sections 13(7), 23 and 24 of the Prison Act (Northern Ireland) 1953 and Articles 26 to 28 of the Criminal Justice (Northern Ireland) Order 1996 (“the 1996 Order”) or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 (but not subsection (6) of that section) shall apply to him in place of the corresponding provisions of the law of the Isle of Man; 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 the Isle of Man.

(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) of the Schedule of a person's supervision from Northern Ireland to the Isle of Man is restricted transfer—

(24) 1991 c. 24.

- (a) section 23 of the Prison Act (Northern Ireland) 1953 and Articles 26 to 28 of the 1996 Order or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 (but not subsection (6) of that section) shall apply to him in place of the corresponding provisions of the law of the Isle of Man; 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 has been an equivalent period of supervision directed to be undergone in the Isle of Man.
- (5) Articles 26 to 28 of the 1996 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—
- (a) any reference to a young offenders centre were a reference to an institution within the meaning of the Custody Act 1995 (an Act of Tynwald);
  - (b) any reference to the Crown Court were a reference to the Court of General Gaol Delivery; and
  - (c) in Article 26(2), the reference of a probation officer appointed for or assigned to the petty sessions district within which the offender resides were a reference to a probation officer.

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

**10.**—(1) Where a person's transfer under paragraph 1(1)(a), 2(1)(a) or 3(1)(a) of the Schedule from Northern Ireland to Jersey 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 Jersey.

(2) Where a person's transfer under paragraph 1(1)(b), 2(1)(b) or 3(1)(b) of the Schedule from Northern Ireland to Jersey is a restricted transfer—

- (a) sections 13(7), 23 and 24 of the Prison Act (Northern Ireland) 1953, Articles 3, 4 and 6 of the Treatment of Offenders (Northern Ireland) Order 1976 ("the 1976 Order") and Articles 26 to 28 (but not paragraphs (2) to (4) of Article 28) of the Criminal Justice (Northern Ireland) Order 1996 ("the 1996 Order") or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of Jersey; 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 Jersey.

(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) of the Schedule of a person's supervision from Northern Ireland to Jersey is a restricted transfer—

- (a) section 23 of the Prison Act (Northern Ireland) 1953, Articles 3, 4 and 6 of the 1976 Order and Articles 26 to 28 (but not paragraphs (2) to (4) of Article 28) of the 1996 Order or, as the case may require, section 1 of the Northern Ireland (Remission of Sentences) Act 1995 shall apply to him in place of the corresponding provisions of the law of Jersey; 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 Jersey.

(5) Any provision of the Prison Act (Northern Ireland) 1953 or the 1996 Order 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>
A prison	The prison
Complaint	Evidence
Probation officer appointed for or assigned to the petty sessions district within which the offender resides	“Délégué” appointed under Article 7 of the Loi (1937) sur l'atténuation des peines et sur la mise en liberté surveillée

(6) Articles 3 and 4 of the 1976 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if any reference to a young offenders centre (other than in Article 3(2)) were a reference to a young offender institution.

(7) Article 3 of the 1976 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to a magistrates' court or to the magistrates's court were a reference to the Magistrate's Court;
- (b) in paragraph (1)(a), the reference to Northern Ireland were a reference to Jersey; and
- (c) in paragraph (2), the reference to a young offenders centre included a reference to a young offender institution.

(8) Article 4 of the 1976 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) the reference to a magistrates' court were a reference to the Magistrate's Court; and
- (b) the words from “and where” to the end were omitted.

(9) Article 6 of the 1976 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if any reference to a young offenders centre included a reference to a young offender institution.

(10) Section 1 of the Northern Ireland (Remission of Sentences) Act 1995, as applied by sub-paragraph (2) or (4) above, shall have effect as if, in subsection (6), the reference to section 15 of the Northern Ireland (Emergency Provisions) Act 1991 were omitted.

(11) Articles 27 and 28 of the 1996 Order, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to a court of summary jurisdiction (apart from in Article 27(2)), or to the court of summary jurisdiction, were a reference to the Magistrate's Court; and as if the reference in Article 27(2) to a court of summary jurisdiction acting for the petty sessions district in which he resides were a reference to that Court;
- (b) any reference to a justice of the peace, or to the justice, were a reference to the Magistrate; and
- (c) any reference to a young offenders centre were a reference to a young offender institution.

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

**11.**—(1) Where a person's transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Guernsey 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 save that regulations made under section 22 of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall not apply to that person for those purposes.

(2) Where a person's transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Guernsey to England and Wales is a restricted transfer—

- (a) section 3(5) of the Prison Administration (Guernsey) Law, 1949 ("the 1949 Law") (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 ("the 1990 Law"), the Parole Review Committee Ordinance, 1991 ("the 1991 Ordinance") (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) (but not section 6 of the 1991 Ordinance) and section 22 of the Prison Administration (Guernsey) Ordinance, 1998 shall apply to him in place of the corresponding provisions of the law of England and Wales; 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 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.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person's supervision from Guernsey to England and Wales is a restricted transfer—

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

(5) The Schedule to the 1949 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if any reference to the prison were a reference to prison.

(6) Section 4 of the 1990 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in subsection (1), for the words "Probation Officer" there were substituted the words "probation officer"; and, in subsection (9), the definition of "Probation Officer" were omitted;
- (b) in subsection (6)—
  - (i) for the words "liable on conviction" there were substituted the words "liable on summary conviction"; and
  - (ii) for the words "level 4 on the uniform scale" there were substituted the words "level 4 on the standard scale"; and
- (c) in subsection (7), for the words "youth detention" there were substituted the words "detention in a young offender institution".

(7) The 1991 Ordinance (as amended by the Parole Review Committee (Amendment) Ordinance, 1993), as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in section 1(1), the words "on the Island of Guernsey" were omitted;
- (b) in section 5, for the words "the prison" there were substituted the word "prison"; and
- (c) in section 8—

- (i) the definition of “Prison” were omitted; and
- (ii) in the definition of “Prisoner”, the words “in the Island of Guernsey” were omitted.

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

12.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Guernsey 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 save that sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoners remanded in custody) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Guernsey to Scotland is a restricted transfer—

- (a) section 3(5) of the Prison Administration (Guernsey) Law, 1949 (“the 1949 Law”) (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 (“the 1990 Law”), the Parole Review Committee Ordinance, 1991 (“the 1991 Ordinance”) (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) (but not section 6 of the 1991 Ordinance) and section 22 of the Prison Administration (Guernsey) Ordinance, 1998 shall apply to him in place of the corresponding provisions of the law of Scotland; 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 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(2) of the Schedule of a person’s supervision from Guernsey to Scotland is a restricted transfer—

- (a) section 3(5) of the 1949 Law (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the 1990 Law, and the 1991 Ordinance (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) (but not section 6 of the 1991 Ordinance) shall apply to him in place of the corresponding provisions of the law of Scotland;
- (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.

(5) The Schedule to the 1949 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if any reference to the prison were a reference to prison.

(6) Section 4 of the 1990 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in subsection (1), for the words “Probation Officer” there were substituted the words “relevant officer within the meaning given by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993”; and, in subsection (9), the definition of “Probation Officer” were omitted;
- (b) in subsection (6)—

- (i) for the words “liable on conviction” there were substituted the words “liable on summary conviction”;
  - (ii) for the words “level 4 on the uniform scale” there were substituted the words “level 4 on the standard scale”; and
  - (iii) in subsection (7), for the words “youth detention” there were substituted the words “detention in a young offenders institution”.
- (7) The 1991 Ordinance (as amended by the Parole Review Committee (Amendment) Ordinance, 1993), as applied by sub-paragraph (2) or (4) above, shall have effect as if—
- (a) in section 1(1), the words “on the Island of Guernsey” were omitted;
  - (b) in section 5, for the words “the prison” there were substituted the word “prison”; and
  - (c) in section 8—
    - (i) the definition of “Prison” were omitted; and
    - (ii) in the definition of “Prisoner”, the words “in the Island of Guernsey” were omitted.

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

13.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Guernsey to Northern Ireland 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 remanded for an offence committed in Northern Ireland.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Guernsey to Northern Ireland is a restricted transfer—

- (a) section 3(5) of the Prison Administration (Guernsey) Law, 1949 (“the 1949 Law”) (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the Criminal Justice (Youth Detention) (Bailiwick of Guernsey) Law, 1990 (“the 1990 Law”), the Parole Review Committee Ordinance, 1991 (“the 1991 Ordinance”) (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) and section 22 of the Prison Administration (Guernsey) Ordinance, 1998 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 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(2) of the Schedule of a person’s supervision from Guernsey to Northern Ireland is a restricted transfer—

- (a) section 3(5) of the 1949 Law (as substituted by section 1 of the Prison Administration (Amendment) (Guernsey) Law, 1957), and the Schedule to the 1949 Law, sections 2, 3 and 4 of the Parole Review Committee (Guernsey) Law, 1989, section 4 of the 1990 Law, and the 1991 Ordinance (as amended by the Parole Review Committee (Amendment) Ordinance, 1993) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
- (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) The Schedule to the 1949 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if any reference to the prison were a reference to prison.

(6) Section 4 of the 1990 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in subsection (1), for the words “Probation Officer” there were substituted the words “probation officer”; and, in subsection (9), the definition of “Probation Officer” were omitted;
- (b) in subsection (6)—
  - (iii) there were substituted for the words “liable on conviction” the words “liable on summary conviction”; and
  - (iv) there were substituted for the words “level 4 on the uniform scale” the words “level 4 on the standard scale”; and
- (c) in subsection (7), for the words “youth detention” there were substituted the words “detention in a young offenders centre”.

(7) The 1991 Ordinance (as amended by the Parole Review Committee (Amendment) Ordinance, 1993), as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in section 1(1), the words “on the Island of Guernsey” were omitted;
- (b) in section 5, for the words “the prison” there were substituted the word “prison”; and
- (c) in section 8—
  - (i) the definition of “Prison” were omitted; and
  - (ii) in the definition of “Prisoner”, the words “in the Island of Guernsey” were omitted.

### **Restricted transfers from the Isle of Man to England and Wales**

**14.**—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from the Isle of Man 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, save that regulations made under section 22 of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from the Isle of Man to England and Wales is a restricted transfer—

- (a) section 6 of, paragraphs 1 to 10, 12, 14, 15 and 18 of Schedule 2 to, and, where applicable, Part 2 of Schedule 3 to, the Custody Act 1995 (an Act of Tynwald) (“the 1995 Act”) shall apply to him in place of the corresponding provisions of the law of England and Wales; 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 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.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person’s supervision from the Isle of Man to England and Wales is a restricted transfer—

- (a) paragraphs 8 to 10, 14 and 15 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that Act 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.

(5) Any provision of the 1995 Act 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>
An institution	Prison
Court of summary jurisdiction	Magistrates' court
Court of General Gaol Delivery	Crown Court
The Department of Health and Social Security or a probation officer	A probation officer

(6) Paragraph 15 of Schedule 2 to the 1995 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to removal from the Island were a reference to removal from the United Kingdom; and
- (b) in sub-paragraph (3), paragraph (d) were omitted, and for paragraphs (a) and (b) there were substituted—
  - “(a) he is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section extends to the Isle of Man under the Immigration (Isle of Man) Order 1991 and has been notified of a decision to make a deportation order against him;
  - (b) he is liable to deportation under the above section 3(5) as it has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;
  - (bb) he is liable to deportation under the above section 3(6) as it has effect in the United Kingdom; or”.

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

**15.**—(1) Where a person's transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from the Isle of Man 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, save that sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoners remanded in custody) shall not apply to that person for those purposes.

(2) Where a person's transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from the Isle of Man to Scotland is a restricted transfer—

- (a) section 6 of, paragraphs 1 to 10, 12, 14, 15 and 18 of Schedule 2 to, and, where applicable, Part 2 of Schedule 3 to, the Custody Act 1995 (an Act of Tynwald) (“the 1995 Act”) shall apply to him in place of the corresponding provisions of the law of Scotland; 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 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.

(4) Where a transfer under paragraph 4(2) of the Schedule of a person's supervision from the Isle of Man to Scotland is a restricted transfer—

- (a) paragraphs 8 to 10, 14 and 15 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that Act shall apply to him in place of the corresponding provisions of the law of Scotland; but
- (b) subject to that and 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.

(5) Any provision of the 1995 Act 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>
An institution	Prison
Court of summary jurisdiction	Sheriff
Court of General Gaol Delivery	High Court of Justiciary
The Department of Health and Social Security or a probation officer	A relevant officer within the meaning given by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993

(6) Paragraph 15 of Schedule 2 to the 1995 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to removal from the Island were a reference to removal from the United Kingdom; and
- (b) in sub-paragraph (3), paragraph (d) were omitted, and for paragraphs (a) and (b) there were substituted—
  - “(a) he is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section extends to the Isle of Man under the Immigration (Isle of Man) Order 1991 and has been notified of a decision to make a deportation order against him;
  - (b) he is liable to deportation under the above section 3(5) as it has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;
  - (bb) he is liable to deportation under the above section 3(6) as it has effect in the United Kingdom; or”.

### **Restricted transfers from the Isle of Man to Northern Ireland**

**16.—**(1) Where a person's transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from the Isle of Man to Northern Ireland 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 Northern Ireland.

(2) Where a person's transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from the Isle of Man to Northern Ireland is a restricted transfer—

- (a) section 6 of, paragraphs 1 to 12, 14, 15 and 18 of Schedule 2 to, and, where applicable, Part 2 of Schedule 3 to, the Custody Act 1995 (an Act of Tynwald) ("the 1995 Act") 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 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) of the Schedule of a person's supervision from the Isle of Man to Northern Ireland is a restricted transfer—

- (a) paragraphs 8 to 11, 14 and 15 of Schedule 2 to the 1995 Act and, where applicable, Part 2 of Schedule 3 to that 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) Any provision of the 1995 Act 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>
An institution	Prison
Court of General Gaol Delivery	Crown Court
For sentence in accordance with section 17 of the Summary Jurisdiction Act 1989	Which may make such an order with regard to him as is mentioned in sub-paragraph (2)
The Department of Health and Social Security or a probation officer	A probation officer

(6) Paragraph 15 of Schedule 2 to the 1995 Act, as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) any reference to removal from the Island were a reference to removal from the United Kingdom; and
- (b) in sub-paragraph (3), paragraph (d) were omitted, and for paragraphs (a) and (b) there were substituted—
  - “(a) he is liable to deportation under section 3(5) or (6) of the Immigration Act 1971 as that section extends to the Isle of Man under the Immigration (Isle of Man) Order 1991 and has been notified of a decision to make a deportation order against him;
  - (b) he is liable to deportation under the above section 3(5) as it has effect in the United Kingdom and has been notified of a decision to make a deportation order against him;

- (bb) he is liable to deportation under the above section 3(6) as it has effect in the United Kingdom; or”.

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

17.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Jersey 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 save that regulations made under section 22 of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of proceedings) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Jersey to England and Wales is a restricted transfer—

(a) Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (“the 1957 Law”) (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 35 of the Court of Appeal (Jersey) Law, 1961, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (“the 1994 Law”) (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) shall apply to him in place of the corresponding provisions of the law of England and Wales; 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 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 at 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(2) of the Schedule of a person’s supervision from Jersey to England and Wales is a restricted transfer—

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

(5) Article 19(4) of the 1957 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to the prison were a reference to prison.

(6) Article 27(2) of the 1957 Law (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), as applied by sub-paragraph (2) above, shall have effect as if the reference to the prison included a reference to any prison.

(7) Article 10 of the 1994 Law (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995), as applied by sub-paragraph (2) or (4) above, shall have effect as if—

(a) in paragraph (1), for the words “either a probation officer or an officer of the Health and Social Services Committee” there were substituted the words “a probation officer”;

(b) in paragraph (5), for the words “liable to” there were substituted the words “liable on summary conviction to”; and

- (c) in paragraph (6), for the words “youth detention” there were substituted the words “detention in a young offender institution”.

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

**18.**—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Jersey 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 save that sections 65 and 147 of the Criminal Procedure (Scotland) Act 1995 (time limits for solemn and summary prosecutions where prisoners remanded in custody) shall not apply to that person for those purposes.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Jersey to Scotland is a restricted transfer—

- (a) Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (“the 1957 Law”) (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 35 of the Court of Appeal (Jersey) Law, 1961, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (“the 1994 Law”) (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) shall apply to him in place of the corresponding provisions of the law of Scotland; 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 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(2) of the Schedule of a person’s supervision from Jersey to Scotland is a restricted transfer—

- (a) Article 19 of the 1957 Law (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994) and Article 10 of the 1994 Law (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) 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 his period of supervision had been an equivalent period of supervision directed to be undergone in Scotland.

(5) Article 19(4) of the 1957 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to the prison were a reference to prison.

(6) Article 27(2) of the 1957 Law (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), as applied by sub-paragraph (2) above, shall have effect as if the reference to the prison included a reference to any prison.

(7) Article 10 of the 1994 Law (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in paragraph (1), for the words “either a probation officer or an officer of the Health and Social Services Committee” there were substituted the words “a relevant officer within the meaning given by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993”;

- (b) in paragraph (5), for the words “liable to” there were substituted the words “liable on summary conviction to”; and
- (c) in paragraph (6), for the words “youth detention” there were substituted the words “detention in a young offenders institution”.

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

19.—(1) Where a person’s transfer under paragraph 1(2)(a), 2(2)(a) or 3(2)(a) of the Schedule from Jersey to Northern Ireland 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 Northern Ireland.

(2) Where a person’s transfer under paragraph 1(2)(b), 2(2)(b) or 3(2)(b) of the Schedule from Jersey to Northern Ireland is a restricted transfer—

- (a) Articles 19 and 27(2) of the Prison (Jersey) Law, 1957 (“the 1957 Law”) (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), Rule 26 of the Prison (Jersey) Rules 1957 (as amended by the Prison (Amendment No. 8) (Jersey) Rules, 1981), Article 5 of the Criminal Justice (Jersey) Law, 1957, Article 35 of the Court of Appeal (Jersey) Law, 1961, the Criminal Proceedings (Computation of Sentences) (Jersey) Rules, 1968 and Article 10 of the Criminal Justice (Young Offenders) (Jersey) Law 1994 (“the 1994 Law”) (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) shall apply to him in place of the corresponding provisions of the law of Northern Ireland;
- (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 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(2) of the Schedule of a person’s supervision from Jersey to Northern Ireland is a restricted transfer—

- (a) Article 19 of the 1957 Law (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994) and Article 10 of the 1994 Law (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) 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) Article 19(4) of the 1957 Law, as applied by sub-paragraph (2) or (4) above, shall have effect as if the reference to the prison were a reference to prison.

(6) Article 27(2) of the 1957 Law (as amended by the Prison (Amendment No. 3) (Jersey) Law 1994), as applied by sub-paragraph (2) above, shall have effect as if the reference to the prison included a reference to any prison.

(7) Article 10 of the 1994 Law (as amended by the Transfer of Functions (Health and Social Services Committee) (Jersey) Act 1995) as applied by sub-paragraph (2) or (4) above, shall have effect as if—

- (a) in paragraph (1), for the words “either a probation officer or an officer of the Health and Social Services Committee” there were substituted the words “a probation officer”;
- (b) in paragraph (5), for the words “liable to” there were substituted the words “liable on summary conviction to”; and

- (c) in paragraph (6), for the words “youth detention” there were substituted the words “detention in a young offenders centre”.

## SCHEDULE 2

Article 3

### TRANSITIONAL PROVISIONS

1. In this Schedule, “life prisoner” has the same meaning as in Chapter II of Part II of the Act.

#### **Restricted transfers from England and Wales—general**

- 2.—(1) In relation to any time before the commencement of sections 75 to 77 of the 1998 Act—
- (a) paragraphs 2(2), 3(2) and 4(2) of Schedule 1 to this Order shall have effect as if the words “and sections 75 to 77 of the 1998 Act” were omitted; and
  - (b) paragraphs 2(4), 3(4) and 4(4) of Schedule 1 to this Order shall have effect as if the words “and sections 76 and 77 of the 1998 Act” were omitted.

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

3. In relation to any time before the commencement of Chapter II of Part II of the Act, paragraph 2 of Schedule 1 to this Order 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 (6) to any provision of Part II of the Act were omitted.

#### **Restricted transfers from England and Wales to the Isle of Man**

4. In relation to any time before the commencement of Chapter II of Part II of the Act, paragraph 3 of Schedule 1 to this Order 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 (6) to any provision of Part II of the Act were omitted.

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

5. In relation to any time before the commencement of Chapter II of Part II of the Act, paragraph 4 of Schedule 1 to this Order 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 (6) to any provision of Part II of the Act were omitted.

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

6.—(1) In relation to any prisoner to whom the existing provisions apply, paragraph 5 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 1, 1A, 3, 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 of, and Schedules 2 and 6 to, 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, the Prisons (Scotland) Act 1989 (“the 1989 Act”) and any rules made under section 18 or 39 of that Act<sup>(25)</sup>;
  - (b) references in sub-paragraph (4) to sections 1A, 3A, 11 to 13, 15, 16 (but not subsections (3) and (4) of that section), 17 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 were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (2) In sub-paragraph (1) 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.

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

7.—(1) In relation to any prisoner to whom the existing provisions apply, paragraph 6 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 1, 1A, 3, 3A, 5, 6(1)(a), 7, 9, 11 to 13, 15, 17 to 21, 26A and 27 of, and Schedules 2 and 6 to, 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, the Prisons (Scotland) Act 1989 (“the 1989 Act”) and any rules made under section 18 or 39 of that Act;

---

(25) 1989 c. 45; section 18, 22, 24, 26, 28, 29, 30, 32 and Schedule 1 were repealed by the 1993 Act, Schedule 7, Part I, but saved in respect of prisoners to whom the “existing provisions” (as defined in the 1993 Act, Schedule 6, paragraph 1) apply for the purposes of that Act.

Section 18 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(2) and (3) in its application to such prisoners.

Section 19(4) was amended by the 1993 Act, Schedule 5, paragraph 6(4)(b) and Schedule 7; and by the Criminal Justice and Public Order Act 1994 (c. 33), Schedule 10, paragraph 64.

Section 22 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(2), (4) and (5) in its application to such prisoners.

Section 28 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(2) and (4), in its application to such prisoners.

Section 43 was partially repealed by the 1993 Act, Schedule 7, but those repeals were saved in respect of prisoners to whom the above “existing provisions” apply for the purposes of that Act; it was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 134(6)(a); and by the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 75(7).

- (b) references in sub-paragraph (4) to sections 1A, 3A, 11 to 13, 15, 17 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 were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (2) In sub-paragraph (1) 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.

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

8.—(1) In relation to any prisoner to whom the existing provisions apply, paragraph 7 of Schedule 1 to this Order shall have effect as if—

- (a) references in sub-paragraph (2) to sections 1, 1A, 3, 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 of, and Schedules 2 and 6 to, 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, 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 sections 1A, 3A, 11 to 13, 15, 16 (but not subsections (3) and (4) of that section), 17 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 Prisons (Scotland) Act 1989 (“the 1989 Act”); and
  - (c) the reference in sub-paragraph (6) to any provision of Part I of the 1993 Act were a reference to any provision of the said Schedule 6 or the 1989 Act.
- (2) In sub-paragraph (1) 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.

---

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order revokes and replaces the Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1997 (S.I.1997/1776) (transfer of prisoners between the various parts of the United Kingdom and the Channel Islands, and between those parts and the Isle of Man) in order to:

- (a) in relation to transfers of prisoners from England and Wales and Scotland to the Channel Islands and the Isle of Man, mirror changes made by the Crime and Disorder Act 1998 (c. 37) to Schedules 1 and 5 to the Crime (Sentences) Act 1997 (c. 43), consequential on other provisions of that Act of 1998;
- (b) apply articles 3, 4 and 6 of the Treatment of Offenders (NI) Order 1976 (S.I. 1976/226 (NI 4) (conviction after release but before expiry of sentence) to transfers from Northern Ireland to the Channel Islands;
- (c) apply section 22 of the Prison Administration (Guernsey) Ordinance, 1998 (which replaced section 31 of the Prison Administration (Guernsey) Ordinance, 1959) (remission of sentence); and section 3(5) of the Prison Administration (Guernsey) Law, 1949 and the Parole Review Committee Ordinance, 1991 (release on licence) to transfers from Guernsey to each part of the United Kingdom; and
- (d) make minor amendments.