



Jersey

**TRANSFER OF PRISONERS
(RESTRICTED TRANSFERS) (CHANNEL
ISLANDS AND ISLE OF MAN) ORDER
1998**

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APPENDIX



Jersey

TRANSFER OF PRISONERS (RESTRICTED TRANSFERS) (CHANNEL ISLANDS AND ISLE OF MAN) ORDER 1998

Jersey Order in Council 39/1998**THE TRANSFER OF PRISONERS (RESTRICTED TRANSFERS) (CHANNEL
ISLANDS AND ISLE OF MAN) ORDER 1998**

(Registered on the 4th day of December 1998)

At the Court at Buckingham Palace

17th day of November 1998

PRESENT

The Queen's Most Excellent Majesty in Council

HER MAJESTY, in pursuance of paragraph 14 of Schedule 1 to the Crime (Sentences) Act 1997, as enacted, and as it applies in relation to the Isle of Man by the Transfer of Prisoners (Isle of Man) Order 1997 and section 121(2)(a) of the Crime and Disorder Act 1998, 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

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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 –

* * *

“Jersey” means the Bailiwick of Jersey;

“the Act” means the Crime (Sentences) Act 1997;

“the 1991 Act” means the Criminal Justice Act 1991;

“the 1993 Act” means the Prisoners and Criminal Proceedings (Scotland) Act 1993;

“the 1998 Act” means the Crime and Disorder Act 1998.

5. The Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 1997¹ is hereby revoked.

A.K. GALLOWAY

Clerk of the Privy Council.

¹ Volume 1996–1997, page 805.

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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.

2. * * * * *

3. * * * * *

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

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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 –

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- (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 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 Jersey under the Immigration (Jersey) Order 1993 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”.

5. * * * * *

6. * * * * *

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

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- (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

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(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.

8. * * * * *

9. * * * * *

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,

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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.

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(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 magistrate'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.

11. * * * * *

12. * * * * *

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14. * * * * *

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15. * * * * *

16. * * * * *

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.

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(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 12(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.

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(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 –

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- (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”;

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- (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”.

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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.”.

3. * * * * *

4. * * * * *

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.

6. * * * * *

7. * * * * *

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 –

Jersey Order in Council 39/1998 The Transfer of Prisoners (Restricted Transfers) (Channel Islands and Isle of Man) Order 199

- (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.