STATUTORY INSTRUMENTS

1988 No. 1654

PRISONS

The Transfer of Offenders (Designation of Equivalent Sentences) (Amendment) Order 1988

Made - - - -	*26th September 1988*
Coming into force -	*1st October 1988*

In exercise of the powers conferred upon me by sections 36 and 38(6) of the Criminal Justice Act 1961(a), I hereby make the following Order:–

1.—(1) This Order may be cited as the Transfer of Offenders (Designation of Equivalent Sentences) (Amendment) Order 1988 and, subject to article 3 thereof, this Order shall come into force on 1st October 1988.

(2) In this Order, "the 1983 Order" means the Transfer of Offenders (Designation of Equivalent Sentences) Order 1983(b).

2. Schedule 1 to the 1983 Order shall be amended as follows:

(a) without prejudice to paragraph (f) below, for each reference to a youth custody sentence under section 6 of the Criminal Justice Act 1982 there shall be substituted a reference to detention in a young offender institution under section 1A of the Criminal Justice Act 1982(c);

(b) In Part I, the entry in column 1 "Detention centre order under section 4 of the Criminal Justice Act 1982" and the entries in column 2 specifying in relation to it equivalent sentences in Scotland, Northern Ireland and Jersey, shall be omitted;

(c) In Part II, the entry in column 1 "Borstal training", and the entries in column 2 specifying in relation to equivalent sentences in England and Wales, Northern Ireland, the Channel Islands and the Isle of Man, shall be omitted;

(d) In Part II, in the entry in column 2 specifying an equivalent sentence in England and Wales to a sentence of detention in a detention centre (which is specified in column 1) for the words "a detention centre order under section 4" there shall be substituted the words "detention in a young offender institution under section 1A";

(e) In Part III, in paragraph (b) of the entry in column 2 specifying an equivalent sentence in England and Wales to imprisonment for a determinate period (which is specified in column 1) the words "not less than 15 but" shall be omitted;

(f) In Part III, for the entry in column 2 specifying an equivalent sentence in England and Wales to detention in a young offenders centre (which is specified in column 1) there shall be substituted the following:

(a) 1961 c.39; subsection (6) of section 38 was inserted by the Criminal Justice Act 1982 (c.48), section 77 and Schedule 14, paragraph 15.

(b) S.I. 1983/1314, amended by S.I. 1983/1695.

(c) Section 1A was inserted by section 123(4) of the Criminal Justice Act 1988 (c.33).

"In England and Wales, detention in a young offender institution under section 1A of the Criminal Justice Act 1982 for the like term";

(g) Any reference to imprisonment in the Isle of Man, except any reference to imprisonment for life, shall be construed as a reference to imprisonment or youth custody.

3. With effect from the day appointed under section 171(1) of the Criminal Justice Act 1988 for the coming into force of Section 124 of that Act, the entry in column 1 of Part II of Schedule 1 to the 1983 Order "Detention in a detention centre" and the entries in column 2 specifying in relation to it equivalent sentences in England and Wales, Northern Ireland and Jersey, shall be omitted, and, accordingly, on that day article 2(d) of this Order shall cease to have effect.

Home Office
26th September 1988

Douglas Hurd
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Transfer of Offenders (Designation of Equivalent Sentences) Order 1983, which designates equivalent sentences for the purpose of transfer of offenders between different parts of the United Kingdom, the Channel Islands and the Isle of Man. The amendments reflect the introduction in England and Wales of a new custodial sentence for young offenders of detention in a young offender institution by section 123 of the Criminal Justice Act 1988, which comes into force on 1st October 1988 (S.I. 1988/1408), and, with effect from the coming into force of section 124 of the Criminal Justice Act 1988, the abolition of the sentence of detention in a detention centre in Scotland. They also reflect the abolition of the sentence of Borstal training in Scotland, and the introduction of youth custody sentences in the Isle of Man.

45p net

ISBN 0 11 087654 7

Printed in the United Kingdom for Her Majesty's Stationery Office

790 WO.1577 C12 9/88 452/3 4235 PS 8901376 882766H