

*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Paragraph 5. (See end of Document for details)*

## SCHEDULE

### OPERATION OF CERTAIN ENACTMENTS IN RELATION TO THE PRISONER

#### [<sup>F1</sup>PART 1

#### WARRANTS UNDER SECTION 1 APPLICATION OF PART 1]

##### Textual Amendments

- F1** Sch. Pt. 1: Sch. renumbered as Sch. Pt. 1 (14.7.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), s. 153(7), [Sch. 26 para. 19\(2\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

#### *Mental health legislation*

- 5 (1) References in—
- (a) the Mental Health Act 1983, and
  - (b) the Mental Health [<sup>F1</sup>(Northern Ireland) Order 1986],
- to the date of an order under [<sup>F1</sup>that Act or that Order] shall have effect, in relation to any of the relevant provisions which is equivalent to such an order, as references to the day on which the relevant provisions take effect.
- (2) Where the relevant provisions include provision equivalent to a hospital order within the meaning of the said Act of 1983 or such an order and a restriction order within the meaning of that Act, the prisoner may (in addition to any application he may make under that Act) apply to [<sup>F2</sup>the appropriate tribunal] at any time in the period of six months beginning with the day on which the relevant provisions take effect.
- [<sup>F3</sup>(2A) For the purposes of sub-paragraph (2) above “the appropriate tribunal” means—
- (a) the First-tier Tribunal, in any case where the prisoner is detained in England;
  - (b) the Mental Health Review Tribunal for Wales, in any case where the prisoner is detained in Wales; and
  - (c) the Mental Health Review Tribunal for Northern Ireland, in any case where the prisoner is detained in Northern Ireland.]
- (3) References howsoever expressed in—
- (a) the [<sup>F4</sup>Mental Health (Care and Treatment) (Scotland) Act 2003], and
  - (b) the Criminal Procedure (Scotland) Act [<sup>F5</sup>1995],
- to the date of an order of the type referred to in the definition of hospital order or restriction order in section 2(6) of this Act shall have effect, in relation to any of the relevant provisions which is equivalent to such an order, as a reference to the day on which the relevant provisions take effect.
- (4) Where the relevant provisions include provisions equivalent in Scotland to such an order, the prisoner may at any time in the period of six months beginning with the day on which the relevant provisions take effect, appeal to the Sheriff to order his discharge; and (without prejudice to section 3(4) of this Act) in any appeal under this paragraph the provisions of the said Act of 1984 in respect of appeals by a patient subject to such an order apply to an appeal by the prisoner where he is subject to any such equivalent provision as they apply to a patient who is subject to such an order.

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#### **Textual Amendments**

- F1** Words substituted by [S.I. 1986/596, art. 9\(b\)](#)
- F2** Words in Sch. para. 5(2) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 69\(a\)](#)
- F3** Sch. para. 5(2A) inserted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 69\(b\)](#)
- F4** Words in Sch. para. 5(3)(a) substituted (S.) (27.9.2005) by [The Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(Modification of Enactments\) Order 2005 \(S.S.I. 2005/465\), art. 1, sch. 1 para. 15\(2\)](#)
- F5** Word in Sch. para. 5(3)(b) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 52\(b\)](#)

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

- C1** Sch. para. 5(2): transfer of functions (3.11.2008) by [The First-tier Tribunal and Upper Tribunal \(Chambers\) Order 2008 \(S.I. 2008/2684\), arts. 1, 5\(h\)](#)

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