

Status: Point in time view as at 01/04/1996.

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

SCHEDULE

OPERATION OF CERTAIN ENACTMENTS IN RELATION TO THE PRISONER

Application of Schedule

- 1 This Schedule applies where a warrant is issued under this Act providing for the transfer of the prisoner into the United Kingdom; and in this Schedule “the relevant provisions” means the provisions contained in the warrant by virtue of section 3(1)(c) of this Act or, in the case of a warrant which contains such a requirement as is referred to in section 4(2) of this Act, the provisions in accordance with which the prisoner continues, in pursuance of that requirement, to be detained.

Release on licence

- 2 ^{F1}(1) In determining for the purposes of any of the enactments relating to release on licence whether the prisoner has at any time served a particular proportion or part of his sentence specified in that provision, the prisoner’s sentence shall, subject to sub-paragraph (2) below, be deemed to begin with the day on which the relevant provisions take effect.
- (1A) In sub-paragraph (1) above “the enactments relating to release on licence” means—
- (a) sections 33(1)(b) and (2), 34(3) and (5), 35(1) and 37(1) and (2) of the Criminal Justice Act 1991; and
 - (b) sections 1(2) and (3), 2(2) and (7) and 7(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.]
- (2) If the warrant specifies a period to be taken into account for the purposes of this paragraph the prisoner’s sentence and the amount he has served shall, so far only as the question whether he has served ^{F2}any particular proportion or part] of his sentence is concerned, be deemed to be increased by that period.

Textual Amendments

- F1** Sch. para. 2(1)(1A) substituted for para. 2(1) (E.W.S.) (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 3(4)** (with s. 47(2), **Sch. 6 paras. 1, 2**); S.I. 1993/2050, **art. 3(4)**.
- F2** Words in Schedule para. 2(2) substituted (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 35(3)(b)**; S.I. 1992/333, **art. 2(2)**, **Sch. 2** and (S.) (1.10.1993) by virtue of Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), s. 47(1), **Sch. 5 para. 3(4)** (with s. 47(2), **Sch. 6 paras. 1, 2**); S.I. 1993/2050, **art. 3(4)**

Modifications etc. (not altering text)

- C1** Sch. para. 2 modified (retrospectively in relation to prisoners repatriated to Scotland) by 1997 c. 43, s. 42, **Sch. 2 para. 6(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)**
- Sch. para. 2 modified (retrospectively in relation to prisoners repatriated to E.W.) by 1997 c. 43, s. 42, **Sch. 2 para. 2(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)** (and, as so modified, further modified (E.W.) (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 58**; S.I. 1998/2327, **art. 2(1)(y)(2)(s)**, and further modified by art. 5(3)(b) of that S.I., and further modified (E.W.) (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 94(1)(a)(2)**)
- Sch. para. 2 modified (1.10.1997 in relation to prisoners repatriated to E.W.) by 1997 c. 43, s. 42, **Sch. 2 para. 3(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)** (and, as so modified, further modified (E.W.) (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 59**; S.I. 1998/2327, **art. 2(1)(y)(2)(s)**, and further modified (E.W.) (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 94(1)(b)(2)**)

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Sch. para. 2 modified (E.W.) (prosp.) by 1997 c. 43, s. 42, **Sch. 2 paras. 4(1)(4)** (which Sch. 2 para. 4 was repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 136, **Sch. 10**; S.I. 1998/2327, **art. 2(1)(2)(pp)(3)(y)**)

Sch. para. 2 modified (retrospectively in relation to prisoners repatriated to Scotland) by 1997 c. 43, s. 42, **Sch. 2 para. 5(1)(2)** (which modification shall be deemed to have had effect since 16.2.1990); S.I. 1997/2200, **art. 2(1)(h)**

Sch. para. 2 modified (retrospectively in relation to prisoners repatriated to Scotland) by 1997 c. 43, s. 42, **Sch. 2 para. 7(2)**; S.I. 1997/2200, **art. 2(1)(h)**

Sch. para. 2 modified (S.) (prosp.) by 1997 c. 43, s. 42, **Sch. 2 para. 8(1)(2)** (which amending Sch. 2 para. 8 was repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 136, **Sch. 10**; S.I. 1998/2327, **art. 2(1)(2)(pp)(3)(y)**)

Sch. para. 2 modified (retrospectively in relation to prisoners repatriated to N.I.) by 1997 c. 43, s. 42, **Sch. 2 para. 9(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)**

C2 Sch. para. 2: certain functions made exercisable in or as regards Scotland (30.6.1999) by S.I. 1999/1748, arts. 4(1), 8(1), **Sch. 2 para. 1(11)**

Life imprisonment

[^{F3} Where the relevant provisions include provision equivalent to a sentence in relation to which section 35(2) of the Criminal Justice Act 1991 or, as the case may be, section 1(4) of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (power to release life prisoners who are not discretionary life prisoners) applies, section 35(2) or, as the case may be, section 1(4) shall have effect as if the reference to consulting the trial judge were omitted.]

Extent Information

E1 This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland.

Textual Amendments

F3 Sch. para. 3 substituted (E.W.S.) (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 3(5)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.

Modifications etc. (not altering text)

C3 Sch. para. 3 modified (E.W.)(prosp.) by 1997 c. 43, s. 42, Sch. 2 paras. 4(1)(5), **8(1)(3)**
 Sch. para. 3 modified (E.W.N.I.) (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 10(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)**

3 Where the relevant provisions include provision equivalent to a sentence in relation to which section 61 of the Criminal Justice Act 1967 (release on licence, on the recommendation of the Parole Board and after consultation with the Lord Chief Justice or Lord Justice General and with the trial judge if available, of person sentenced to life imprisonment etc.) applies, subsection (1) of that section shall be deemed to have effect in relation to the prisoner as if the words “together with the trial judge if available” were omitted.

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Extent Information

- E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only.

Modifications etc. (not altering text)

- C4** Sch. para. 3 modified (E.W.N.I.) (1.10.1997) by 1997 c. 43, s. 42, **Sch. 2 para. 10(1)(2)**; S.I. 1997/2200, **art. 2(1)(h)**

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Textual Amendments

- F4** Sch. para. 4 repealed by **Criminal Justice Act 1988 (c. 33, SIF 39:1)**, s. 170, Sch. 8 para. 16, **Sch. 16** and subject to an amendment by 1995 c. 40, ss. 5, 7(2), **Sch. 4 para. 52(a)**

Mental health legislation

- 5 (1) References in—
- (a) the Mental Health Act 1983, and
 - (b) the Mental Health [^{F5}(Northern Ireland) Order 1986],
- to the date of an order under [^{F5}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 a Mental Health Review Tribunal at any time in the period of six months beginning with the day on which the relevant provisions take effect.
- (3) References howsoever expressed in—
- (a) the ^{M1}Mental Health (Scotland) Act 1984, and
 - (b) the Criminal Procedure (Scotland) Act [^{F6}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

F5 Words substituted by [S.I. 1986/596, art. 9\(b\)](#)

F6 Word in Sch. para. 5(3)(b) substituted (1.4.1996) by [1995 c. 40, ss. 5, 7\(2\), Sch. 4 para. 52\(b\)](#)

Marginal Citations

M1 [1984 c. 36.](#)

Rehabilitation of offenders

- 6 The relevant provisions shall be disregarded for the purposes of the application, in relation to any offence of which the prisoner was convicted in a country or territory outside the British Islands, of—
- (a) the ^{M2}Rehabilitation of Offenders Act 1974, except section 1(2) (person not rehabilitated unless he serves sentence etc.); and
 - (b) the ^{M3}Rehabilitation of Offenders (Northern Ireland) Order 1978, except Article 3(2) (person not rehabilitated unless he serves sentence etc.).

Marginal Citations

M2 [1974 c. 53.](#)

M3 [S.I. 1978/1908 \(N.I. 27\).](#)

The Representation of the ^{M4}People Act 1981

Marginal Citations

M4 [1981 c. 34.](#)

- 7 For the purposes of section 1 of the Representation of the People Act 1981 (disqualification of certain offenders for membership of the House of Commons), the prisoner shall, while detained in accordance with the relevant provisions, be deemed to be detained in pursuance of the order in pursuance of which, at the time of his transfer into the United Kingdom, he was required to be detained in the country or territory from which he was transferred.

The ^{M5}Firearms (Northern Ireland) Order 1981

Marginal Citations

M5 [S.I. 1981/155 \(N.I. 2\).](#)

- 8 Where the relevant provisions include provision equivalent to such a sentence as is mentioned in paragraph (2) of Article 22 of the Firearms (Northern Ireland) Order 1981 (possession of firearm by person previously convicted of crime), that paragraph shall apply in relation to the prisoner as if for the reference in that paragraph to the period of eight years from the date so mentioned there were

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substituted a reference to the period of eight years from the day on which the relevant provisions take effect.

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