

SCHEDULE 2

Articles 4(1) and 8(1)

FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: PRISONERS – FUNCTIONS UNDER THE 1984 ACT, THE 1993 ACT, THE 1997 ACT AND THE 1998 ORDER

Repatriation of Prisoners Act 1984

1.—(1) The functions of the Secretary of State under the following provisions of the 1984 Act.

(2) Section 1(1)(b) (issue of warrant for transfer), in relation to a person who is the subject of the proposed transfer is for the time being required to be detained in a prison, a hospital or any other institution either—

- (a) in Scotland; or
- (b) in the country or territory in question if it is proposed to transfer him from that country or territory to Scotland.

(3) Section 1(1) to (5), so far as relating to a warrant for the transfer of a person mentioned in sub-paragraph (2) above.

(4) Section 2(3) (transfer out of the United Kingdom), where the order referred to in section 2(2) relates to a person who has been removed from Scotland by virtue of a warrant issued under section 1.

(5) Section 3(1)(c) and (3) (transfer into the United Kingdom), where the warrant provides for the transfer of the prisoner into Scotland.

(6) Section 4(1) (temporary return), in relation to a prisoner is a person who is either—

- (a) detained in Scotland and the transfers are to be for the purpose of a temporary return of the prisoner to a country or territory outside the British Islands from which he has previously been transferred into Scotland under the 1984 Act or any other enactment; or
- (b) detained in a country or territory outside the British Islands to which he has previously been transferred from Scotland under the 1984 Act.

(7) Section 5(2) and (3) (operation of warrant and retaking prisoners), where the warrant provides for the transfer of a prisoner to or from Scotland.

(8) Section 6(1) (revocation etc. of warrants), where the warrant provides for the transfer of a prisoner to or from Scotland.

(9) Section 7(2) and (3) (expenses), where the transfer is to Scotland.

(10) Section 8(3) (interpretation and certificates), in any case where the function of issuing or warrant is, under article 4 of and the preceding provisions of this paragraph of this Schedule to this Order, to be treated for the purposes of section 53 of the 1998 Act, as a case where the function is exercisable in or as regards Scotland.

(11) Paragraph 2 of the Schedule (operation of certain enactments in relation to the prisoner) as it has effect by virtue of paragraphs 5 to 7 of Schedule 2 to the 1997 Act (repatriation of prisoners to the British Islands: prisoners repatriated to Scotland), where the warrant provides for the transfer of a prisoner to Scotland.

Commencement Information

II Sch. 2 para. 1 in force at 30.6.1999, see [art. 1](#)

Prisoners and Criminal Proceedings (Scotland) Act 1993

2.—(1) The function of the Secretary of State under section 14(2) of the 1993 Act (supervised release of short-term prisoners) in so far as it relates to the making of a supervised release order in respect of a prisoner transferred to a prison in Scotland to serve his sentence.

(2) The function of the Secretary of State under section 14(4) of the 1993 Act (supervised release of short-term prisoners) in so far as it relates to the designation of an appropriate authority, or, as the case may be, justices for the purposes of a supervised release order in respect of a short-term prisoner, and the authority, or as the case may be, justices is or are outwith Scotland.

(3) The function of the Secretary of State under section 14(5) of the 1993 Act (supervised release of short-term prisoners) in so far as it relates to the informing of a prisoner under section 14(5)(a) of that Act of a designation of an appropriate authority, or, as the case may be, justices for the purposes of a supervised release order in respect of a short term prisoner, and the authority, or as the case may be, justices, is or are outwith Scotland, or in so far as it relates to the carrying out of the duties under section 14(5)(b) of that Act, and these duties are performed outwith Scotland.

(4) The function of the Secretary of State under section 15(1) of the 1993 Act (variation of supervised release of short-term prisoners) in so far as it relates to the variation under section 15(1) of a designation under section 14(4) of that Act of an appropriate authority, or, as the case may be, justices for the purposes of a supervised release order in respect of a short term prisoner, and the second designee authority, or as the case may be, justices, is or are outwith Scotland.

(5) The function of the Secretary of State under section 15(2) of the 1993 Act (variation of supervised release of short-term prisoners) in so far as it relates to the determination of the date under section 15(2) of that Act of the coming into effect of a variation under section 15(1) of a designation under section 14(4) of that Act of an appropriate authority, or, as the case may be, justices for the purposes of a supervised release order in respect of a short term prisoner, and the second designee authority, or as the case may be, justices, is or are out-with Scotland.

(6) The function of the Secretary of State under section 15(3) of the 1993 Act (variation of supervised release of short-term prisoners) in so far as it relates to the informing under 15(3)(a)(i) of that Act of a person subject to a supervised release order of a variation under section 15(1) of a designation under section 14(4) of that Act of an appropriate authority, or, as the case may be, justices for the purposes of a supervised release order in respect of a short term prisoner, and the second designee authority, or as the case may be, justices, is or are out-with Scotland, or the sending of a copy under section 15(3)(a)(ii) of that Act to the second designee, or the first designee sending under section 15(3)(b) to the second designee the relevant documents and information in relation to such a designation.

Commencement Information

I2 Sch. 2 para. 2 in force at 30.6.1999, see [art. 1](#)

Crime (Sentences) Act 1997

3.—(1) The following functions of the Secretary of State under Schedule 1 to the 1997 Act (transfer of prisoners within the British Islands).

(2) The function under paragraph 1(1) in relation to an applicant who is a person remanded in custody or serving a sentence of imprisonment in Scotland.

(3) The function under paragraph 1(4) in relation to a person who has been transferred to Scotland.

(4) The function under paragraph 2(1) in relation to a person remanded in custody or serving a sentence of imprisonment in Scotland.

(5) The functions under paragraph 2(3) and (4) in relation to a person transferred from Scotland who is, by virtue of the transfer, in the country or island to which he was transferred.

(6) The functions under paragraph 3(1) and (3) in relation to a person remanded in custody, serving a sentence of imprisonment or detained in a prison in Scotland.

(7) The function under paragraph 4(1) in relation to a person undergoing or about to undergo supervision in Scotland.

(8) The function under paragraph 5(1) in relation to a transfer under Part I of Schedule 1 in pursuance of another function mentioned in this paragraph.

(9) The function under paragraph 7(1) in relation to a person or supervision transferred from Scotland.

(10) The function under paragraph 7(2) in relation to a person whose transfer is from Scotland.

(11) The function under paragraph 10(3).

(12) The function under paragraph 11(3).

(13) The function under paragraph 15(3) in relation to a person transferred to Scotland.

(14) The function under paragraph 15(4) in relation to a person whose supervision has been transferred to Scotland under paragraph 4(1) or (2) on an unrestricted transfer and who is in Scotland by virtue of the transfer.

(15) The function under paragraph 15(5).

(16) The function under paragraph 17(5) in relation to a person unlawfully at large who is liable to be detained in a prison in another part of the United Kingdom and who is sentenced to imprisonment by a court in Scotland.

Commencement Information

I3 Sch. 2 para. 3 in force at 30.6.1999, see [art. 1](#)

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

4.—(1) The following functions of the Secretary of State under the 1998 Order.

(2) Paragraph 5(3) of Schedule 1.

(3) Paragraph 6(3) of Schedule 1.

(4) Paragraph 7(3) of Schedule 1.

Commencement Information

I4 Sch. 2 para. 4 in force at 30.6.1999, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, SCHEDULE 2.