

SCHEDULE 2

PART I

MODIFICATIONS OF ACTS OF PARLIAMENT

Repatriation of Prisoners Act 1984 (c. 47)

75.—(1) The Repatriation of Prisoners Act 1984 is amended as follows.

(2) In section 1 (issue of warrant for transfer)—

(a) for “Secretary of State”, wherever those words appear, there is substituted “relevant Minister”; and

(b) after subsection (8), there is inserted—

“(9) In this section “relevant Minister” means—

(a) the Scottish Ministers in a case where the 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—

(i) in Scotland; or

(ii) in the country or territory referred to in subsection (1)(b) above if it is proposed to transfer him from that country or territory to Scotland; and

(b) the Secretary of State in any other case.”.

(3) In section 2 (transfer out of the United Kingdom)—

(a) in subsection (3), for “Secretary of State”, in both places where those words appear, there is substituted “relevant Minister”; and

(b) after subsection (3) there is inserted—

“(3A) In subsection (3) above, “relevant Minister” means—

(a) the Scottish Ministers where the order referred to in subsection (2) above relates to a person who has been removed from Scotland by virtue of a warrant issued under section 1 above; and

(b) the Secretary of State in any other case.”.

(4) In sections 3(1)(c) and (3) (transfer into the United Kingdom), for “Secretary of State” there is substituted “relevant Minister”.

(5) In section 4 (temporary return)—

(a) in subsection (1), for “Secretary of State”, there is substituted “relevant Minister”; and

(b) after subsection (4) there is inserted—

“(5) In this section “relevant Minister” means—

(a) the Scottish Ministers in a case where the prisoner is a person who is either—

(i) detained in Scotland and the transfers are 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 this Act or any other enactment; or

(ii) detained in a country or territory outside the British Islands to which he has previously been transferred from Scotland under this Act; and

(b) the Secretary of State in any other case.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (6) In section 5 (operation of warrant and retaking prisoners)–
- (a) in subsections (2) and (3), for “Secretary of State”, there is substituted “relevant Minister”; and
 - (b) after subsection (7) there is inserted–
 - “(8) In this section “relevant Minister” means–
 - (a) the Scottish Ministers where the warrant provides for the transfer of a prisoner to or from Scotland; and
 - (b) the Secretary of State in any other case.”.
- (7) In section 6 (revocation etc. of warrants)–
- (a) in subsection (1), for “Secretary of State”, there is substituted “relevant Minister”; and
 - (b) after subsection (4) there is inserted–
 - “(5) In this section “relevant Minister” means–
 - (a) the Scottish Ministers where the warrant provides for the transfer of a prisoner to or from Scotland; and
 - (b) the Secretary of State in any other case.”.
- (8) In section 7 (expenses)–
- (a) in subsections (2) and (3), for “Secretary of State” wherever it appears, there is substituted “relevant Minister”;
 - (b) after subsection (3) there is inserted–
 - “(3A) In subsections (2) and (3) above, “relevant Minister” means–
 - (a) the Scottish Ministers where the transfer is to Scotland; and
 - (b) the Secretary of State in any other case.”; and
 - (c) after subsection (5) there is inserted–
 - “(5A) The Scottish Ministers shall pay any sums received by them by virtue of subsection (2) above into the Scottish Consolidated Fund.”.
- (9) In section 8 (interpretation and certificates)–
- (a) in subsection (3), for “Secretary of State”, there is substituted “relevant Minister”; and
 - (b) after subsection (3) there is inserted–
 - “(4) In subsection (3) above, “relevant Minister” means–
 - (a) the Scottish Ministers where the proceedings relate to a transfer which they have the responsibility under this Act to make or consider making; and
 - (b) the Secretary of State in any other case.”.