



# Colonial Prisoners Removal Act 1884

## 1884 CHAPTER 31

### *Miscellaneous*

#### **11 Cost of removal**

- (1) The cost of the removal of any prisoner or criminal lunatic under this Act and of his maintenance while in confinement, and of his return, and of his being sent after discharge to any place, shall be paid in such manner as may be arranged between the Governments of the British possessions concerned and the Secretary of State, subject, as regards any cost to be paid out of moneys provided by Parliament, to the consent of the Commissioners of Her Majesty's Treasury.
- (2) Nothing in this Act shall affect any power to recover the expenses of removing or returning any prisoner or criminal lunatic from the property of such prisoner or criminal lunatic or otherwise.

#### **12 Power of legislature of British possession to pass laws for carrying Act into effect**

If the legislature of a British possession pass any law—

- (a) for determining the authority by whom and the manner in which any jurisdiction, power, or concurrence under this Act is to be exercised or given; or
- (b) for payment of the costs incurred in the removal, maintenance, return, or sending back after discharge of a prisoner or criminal lunatic ; or
- (c) for dealing in such possession with prisoners or criminal lunatics removed thereto in pursuance of this Act; or
- (d) for making any class of prisoners subject to removal under this Act; or,
- (e) otherwise in any manner for the carrying of this Act or any part thereof into effect as regards the said possession,

it shall be lawful for Her Majesty in Council to direct that such law or any part thereof shall with or without modification or alteration be recognised and given effect to throughout Her Majesty's dominions and on the high seas as if it were part of this Act.

**13 Power as to making and revocation of Orders in Council**

- (1) It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall while it is in force have the same effect as if it were enacted in this Act.
- (2) An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or, if not, as soon as may be after the commencement of the then next session of Parliament.

**14 Application of Act to Channel Islands and Isle of Man**

This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and the United Kingdom.

**15 Application of Act to place under foreign jurisdiction Acts**

It shall be lawful for Her Majesty in Council from time to time to direct that this Act shall apply, as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British possession and part of Her Majesty's dominions, and to provide for carrying into effect such application.

**16 Savings**

- (1) Nothing in this Act shall affect the provisions of the Army Act, 1881.
- (2) This Act shall not affect any agreement made either before or after the passing of this Act under the Colonial Prisoners Removal Act, 1869, nor any provisions contained in the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-one, intituled " An Act to authorise " the removal from India of insane persons charged with offences, " and to give better effect to inquisitions of lunacy taken in " India."

**17 Application of Act to existing prisoners and criminal lunatics**

This Act shall apply to a prisoner who has been convicted, and to a criminal lunatic who has become a criminal lunatic, before the passing of this Act, in like manner as if he had been convicted and become a criminal lunatic after the commencement of this Act.

**18 Definitions**

In this Act, unless the context otherwise requires, the following expressions have the following meanings ; that is to say.

The expression " British possession " does not include any place within the United Kingdom, the Isle of Man, or the Channel Islands, but includes all other territories and places being part of Her Majesty's dominions, and all territories and places within Her Majesty's dominions which are not part of India and are under one legislature shall be deemed to be one British possession, and any part of India under a Governor or Lieutenant Governor shall be deemed to be one British possession.

The expression " India " means all territories and places within Her Majesty's dominions which are subject to the Governor General of India in Council.

The expression " legislature," where there are local legislatures, as well as a central legislature, means the central legislature only, and in every part of India means the Governor General in Council.

The expression " Secretary of State " means one of Her Majesty's Principal Secretaries of

The expression " Governor " means any person or persons administering the government of a British possession, and includes the Governor General of India and also the Governor and Lieutenant Governor of any part of India.

The expression " Colonial Secretary " includes a person performing the like duties as a Colonial Secretary, whether known as Government Secretary, Chief Secretary to the Government, or by any other

The expression " prison " includes any place for the confinement or detention of prisoners whether convicted or unconvicted.

The expression " sentence of imprisonment " means any sentence involving confinement in a prison, whether combined or not with labour, and whether known as penal servitude, imprisonment with hard labour, rigorous imprisonment, imprisonment, or otherwise, and includes a sentence awarded by way of commutation as well as an original sentence passed by the court.

The expression " criminal lunatic " means a person detained in custody by reason of his having been charged with an offence, and either found to have been insane at the time of such offence, or found or certified or otherwise lawfully proved to be unfit on the ground of his insanity to be tried for the same, and includes a person convicted of an offence and afterwards certified or otherwise lawfully proved to be insane.