

Status: Point in time view as at 01/04/1996.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, Paragraph 5. (See end of Document for details)

SCHEDULE

OPERATION OF CERTAIN ENACTMENTS IN RELATION TO THE PRISONER

Mental health legislation

- 5 (1) References in—
- (a) the Mental Health Act 1983, and
 - (b) the Mental Health [^{F1}(Northern Ireland) Order 1986],
- to the date of an order under [^{F1}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 [^{F2}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.

Textual Amendments

F1 Words substituted by S.I. 1986/596, art. 9(b)

F2 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.

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