

Status: Point in time view as at 14/07/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008, Paragraph 16 is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 26

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

OTHER AMENDMENTS

Repatriation of Prisoners Act 1984 (c. 47)

- 16 (1) Section 5 (operation of warrant and retaking prisoners) is amended as follows.
- (2) In subsection (1)—
- (a) for “under this Act” substitute “ under section 1 ”; and
 - (b) after “this section” insert “ (apart from subsection (9)) ”.
- (3) After subsection (8) insert—
- “(9) Where—
- (a) a warrant under section 4A has been issued, and
 - (b) the relevant person is a person to whom subsection (3) of that section applies,
- subsections (2) to (8) above apply for the purposes of that warrant (but with the modifications contained in subsection (10)), except (without prejudice to section 4C(4) or any enactment contained otherwise than in this Act) in relation to any time when the relevant person is required to be detained in accordance with provisions contained in the warrant by virtue of section 4C(1)(b).
- (10) In their application for the purposes of a warrant under section 4A those subsections shall have effect as if—
- (a) any reference to the warrant under section 1 (however expressed) were a reference to the warrant under section 4A;
 - (b) any reference to the prisoner were a reference to the relevant person;
 - (c) in subsection (4)—
 - (i) in paragraph (a) for “that person” there were substituted “ the authorised person ”; and
 - (ii) paragraph (b) were omitted; and
 - (d) in subsection (8)(a) for “transfer of a prisoner to or from Scotland” there were substituted “ transfer of responsibility for the detention and release of the relevant person to the Scottish Ministers ”.”

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Commencement Information

II Sch. 26 para. 16 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 48(g)**

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