

SCHEDULE 1

SECTIONS 1 TO 9 OF THE REPATRIATION OF PRISONERS ACT 1984 AS MODIFIED AND ADAPTED

Transfer out of the Territory

2.—(1) The effect of a warrant providing for the transfer of the prisoner out of the Territory shall be to authorise—

- (a) the taking of the prisoner to any place in the Territory and his delivery, at a place of departure from the Territory, into the custody of a person representing the appropriate authority of the country or territory to which the prisoner is to be transferred; and
- (b) the removal of the prisoner by the person to whom he is so delivered to a place outside the Territory.

(2) Subject to subsections (3) to (5) below, the order by virtue of which the prisoner is required to be detained at the time such a warrant is issued in respect of him shall continue to have effect after his removal from the Territory so as to apply to him if he is again in the Territory at any time when under that order he is to be, or may be, detained.

(3) If, at any time after the removal of the prisoner from the Territory, it appears to the Governor appropriate to do so in order that effect may be given to the international arrangements in accordance with which the prisoner was transferred, the Governor may give a direction varying the order referred to in subsection (2) above or providing for that order to cease to have effect.

(4) The power by direction under subsection (3) above to vary the order referred to in subsection (2) above shall include power by direction—

- (a) to provide for how any period during which the prisoner is, by virtue of a warrant under this Act, out of the Territory is to be treated for the purposes of that order; and
- (b) to provide for the prisoner to be treated as having been released on licence.

(5) Except in relation to any period during which a restriction order is in force in respect of the prisoner, subsection (2) above shall not apply in relation to a hospital order; and, accordingly, a hospital order shall cease to have effect in relation to the prisoner—

- (a) at the time of his removal from the Territory if no restriction order is in force in respect of him at that time; and
- (b) if at that time a restriction order is in force in respect of him, as soon after his removal as the restriction order ceases to have effect.

(6) In subsection (5) above—

“hospital order” means any order or direction made under an enactment applying in the Territory and having the same effect as an order made under Section 37 of the Mental Health Act 1983; and

“restriction order” means any order or direction made under an enactment applying in the Territory and having the same effect as an order made under section 41 of the said Act of 1983.

(7) References in this section to the order by virtue of which the prisoner is required to be detained at the time a warrant under this Act is issued in respect of him include references to any order by virtue of which he is required to be detained after the order by virtue of which he is required to be detained at that time ceases to have effect.