

SCHEDULE 2

FUNCTIONS EXERCISABLE IN OR AS REGARDS SCOTLAND: PRISONERS – FUNCTIONS UNDER THE 1984 ACT, THE 1993 ACT, THE 1997 ACT AND THE 1998 ORDER

Repatriation of Prisoners Act 1984

- 1.—(1) The functions of the Secretary of State under the following provisions of the 1984 Act.
- (2) Section 1(1)(b) (issue of warrant for transfer), in relation to a 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—
- (a) in Scotland; or
 - (b) in the country or territory in question if it is proposed to transfer him from that country or territory to Scotland.
- (3) Section 1(1) to (5), so far as relating to a warrant for the transfer of a person mentioned in sub-paragraph (2) above.
- (4) Section 2(3) (transfer out of the United Kingdom), where the order referred to in section 2(2) relates to a person who has been removed from Scotland by virtue of a warrant issued under section 1.
- (5) Section 3(1)(c) and (3) (transfer into the United Kingdom), where the warrant provides for the transfer of the prisoner into Scotland.
- (6) Section 4(1) (temporary return), in relation to a prisoner is a person who is either—
- (a) detained in Scotland and the transfers are to be 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 the 1984 Act or any other enactment; or
 - (b) detained in a country or territory outside the British Islands to which he has previously been transferred from Scotland under the 1984 Act.
- (7) Section 5(2) and (3) (operation of warrant and retaking prisoners), where the warrant provides for the transfer of a prisoner to or from Scotland.
- (8) Section 6(1) (revocation etc. of warrants), where the warrant provides for the transfer of a prisoner to or from Scotland.
- (9) Section 7(2) and (3) (expenses), where the transfer is to Scotland.
- (10) Section 8(3) (interpretation and certificates), in any case where the function of issuing or warrant is, under article 4 of and the preceding provisions of this paragraph of this Schedule to this Order, to be treated for the purposes of section 53 of the 1998 Act, as a case where the function is exercisable in or as regards Scotland.
- (11) Paragraph 2 of the Schedule (operation of certain enactments in relation to the prisoner) as it has effect by virtue of paragraphs 5 to 7 of Schedule 2 to the 1997 Act (repatriation of prisoners to the British Islands: prisoners repatriated to Scotland), where the warrant provides for the transfer of a prisoner to Scotland.