

*Changes to legislation:* There are currently no known outstanding effects for the Convention Rights (Compliance) (Scotland) Act 2001, PART 5. (See end of Document for details)

## SCHEDULE TRANSITIONAL PROVISIONS

### PART 5

#### LIFE PRISONERS TRANSFERRED UNDER THE MENTAL HEALTH ACTS

- 75 This Part of this schedule applies to a life prisoner—
- (a) to whom—
    - (i) section 80 (removal to Scotland of patients from England and Wales) of the Mental Health Act 1983 (c.20) applies; or
    - (ii) to whom section 81 (removal to Scotland of patients from Northern Ireland) of the Mental Health (Scotland) Act 1984 (c.36) applies; and
  - (b) who was transferred to Scotland before the relevant date.
- 76 In this Part of this schedule—
- “life prisoner” and “punishment part” have respectively the same meanings as they have in Part 1 of this schedule;
  - “relevant date” means the date when this Part of this schedule comes into force.
- 77 Paragraphs 51 to 74 of Part 4 of this schedule apply to a life prisoner to whom this Part applies, except a prisoner such as is mentioned in paragraph 78 below, as if section 10 of the 1993 Act had applied to the prisoner when the prisoner was transferred and as if the prisoner were an existing transferred life prisoner within the meaning of that Part.

#### Commencement Information

- II** [Sch. para. 77](#) wholly in force at 8.10.2001; [Sch. para. 77](#) not in force at Royal Assent see [s. 15\(2\)](#); [Sch. para. 77](#) in force for specified purposes at 27.7.2001 and in force at 8.10.2001 insofar as not already in force by [S.S.I. 2001/274](#), [art. 3\(1\)\(d\)\(3\)](#)

- 78 Section 10(1) of the 1993 Act, as amended by this Act, applies to a life prisoner—
- (a) to whom this Part of this schedule applies; and
  - (b) to whom, had the prisoner been transferred after the relevant date, section 10(1) would have applied.

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