

## 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.

#### Commencement Information

**II** Sch. 2 para. 1 in force at 30.6.1999, see [art. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Scotland Act 1998 (Functions Exercisable in or as Regards Scotland) Order 1999, Paragraph 1.