STATUTORY INSTRUMENTS

1986 No. 598

PRISONERS

REPATRIATION

The Repatriation of Prisoners Act 1984 (Isle of Man) Order 1986

Made - - -	*26th March* 1986
Coming into Operation	*26th April* 1986

At the Court at Buckingham Palace, the 26th day of March 1986

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 9(4) of the Repatriation of Prisoners Act 1984(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Repatriation of Prisoners Act 1984 (Isle of Man) Order 1986 and shall come into operation on 26th April 1986.

2. The provisions of the Repatriation of Prisoners Act 1984 shall extend to the Isle of Man with the exceptions, adaptations and modifications specified in the Schedule to this Order.

G. I. de Deney,
Clerk of the Privy Council.

(a) 1984 c.47.

SCHEDULE Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO PROVISIONS OF THE REPATRIATION OF PRISONERS ACT 1984 AS EXTENDED TO THE ISLE OF MAN

1.— (1) Any reference to, or to a provision of, an Act of Parliament (including the Repatriation of Prisoners Act 1984) shall be construed, unless the contrary intention appears, as a reference to it as it has effect in the Isle of Man.

(2) Any reference to an enactment of Tynwald shall be construed as including a reference thereto as amended or replaced by or under any other enactment of Tynwald.

2. Except in section 1(1)*(a)* on the first occasion where it occurs, section 8(1) and the Schedule, any reference to the United Kingdom, or to any part of the United Kingdom, shall be construed as including a reference to the Isle of Man.

3.— (1) In section 2(4), in paragraph *(b)*, for sub-paragraphs (i) to (iv) there shall be substituted the words "released on licence under section 19 of the Prison Act 1965 (an Act of Tynwald) or discharged on licence under section 47(4) of the Children and Young Persons Act 1966 (an Act of Tynwald).".

(2) For section 2(6) there shall be substituted the following subsection:—

"(6) In subsection (5) above—

"hospital order" means an order made under section 48 of the Mental Health Act 1974 (an Act of Tynwald) or any order or direction made under another enactment but having the same effect as an order under that section; and

"restriction order" means an order made under section 53 of the said Act or any order or direction made under another enactment but having the same effect as an order made under that section.".

4. In section 7, subsections (1) and (5) shall be omitted.

5. In section 9, subsections (2), (3) and (4) shall be omitted.

6.— (1) Paragraphs 3, 4, 6 and 8 of the Schedule shall be omitted.

(2) In paragraph 1 of the Schedule, for the words "United Kingdom" there shall be substituted the words "Isle of Man".

(3) In paragraph 2 of the Schedule—

(a) in sub-paragraph (1), for the words from "section 60" to "that section" there shall be substituted the words "section 19 of the Prison Act 1965 (an Act of Tynwald) whether the prisoner has at any time served such portion of his sentence as is determined under that section"; and

(b) in sub-paragraph (2), for the words "one third" there shall be substituted the words "that portion".

(4) In paragraph 5 of the Schedule—

(a) in sub-paragraph (1), for the words from "*(a)*" to "those Acts" there shall be substituted the words "the Mental Health Act 1974 (an Act of Tynwald) to the date of an order under that Act"; and

(b) for sub-paragraphs (2) to (4) there shall be substituted the following sub-paragraphs:—

"(2) Where the relevant provisions include provision equivalent to a hospital order, the prisoner may (in addition to any application he may make under the said Act of 1974) apply to the Mental Health Review Tribunal at any time in the period of 12 months beginning with the day on which the relevant provisions take effect.

(3) Sub-paragraph (2) above shall not apply where the relevant provisions include provision equivalent to a restriction order, unless the prisoner would have had the right to apply to the Mental Health Review Tribunal if he had been subject to a restriction order.

(4) In this paragraph—

"hospital order" and "restriction order" have the meanings given by section 2(6) of this Act;

"the Mental Health Review Tribunal" means the Mental Health Review Tribunal constituted by section 2 of the said Act of 1974."

(5) In paragraph 7 of the Schedule—

(a) for the words from "section 1" to "Commons)" there shall be substituted the words "any enactment of Tynwald relating to disqualification for membership of the Legislative Council or the House of Keys"; and

(b) for the words "United Kingdom" there shall be substituted the words "Isle of Man".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the Isle of Man the provisions of the Repatriation of Prisoners Act 1984, with the exceptions, adaptations and modifications specified in the Schedule to the Order.

SI 1986/598
ISBN 0-11-066598-8

