

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Prisoners Removal Act, 187 ."

2. The following terms and expressions shall be understood as hereinafter defined or explained, unless there be something in the subject or context repugnant to such definition or explanation, that is to say:—

"Possession" shall not include any place within the United Kingdom, the Isle of Man, or the Channel Islands, but shall include such territories as may for the time being be vested in Her Majesty under or by virtue of any Act of Parliament for the government of India, and shall also include any colony, plantation, territory, or settlement situate elsewhere within Her Majesty's dominions, and for the purposes of this Act all colonies, plantations, territories, and settlements under a central legislature shall be deemed to be one possession under the same local government:

"Secretary of State" shall mean any one of Her Majesty's Principal Secretaries of State:

"Governor" shall include the officer for the time being administering the government of any possession:

"Mutiny Act" shall mean any Act of the Imperial Parliament in force for the time being for punishing mutiny or desertion, or for the better payment of the army and their quarters:

"Navy Act" shall mean any Act of the Imperial Parliament in force for the time being to make provision for the discipline of the Navy, or for the regulation of Her Majesty's Royal Marine forces while on shore:

"Prison" shall mean any place of confinement or any place where prisoners undergo punishment:

"Sentence" shall include a commuted sentence:

"Imprisonment with hard labour" shall include rigorous imprisonment.

Any jurisdiction or power by this Act conferred on "the Governor" or "the Governor in Council" of a possession or on "the Government of a possession" may, within the territories subject to their administration respectively, be exercised by the Governor in Council of Madras, the Governor in Council of Bombay, and the Lieutenant-Governor of any part of India which, for the time being, is under the administration of a Lieutenant-Governor.

3. A Secretary of State, with the concurrence of the Government of every possession concerned, may order that a prisoner who is undergoing in any possession a sentence of a Court of competent jurisdiction be removed to another possession, or to the United Kingdom, there to undergo the rest of his sentence or any part thereof, in any of the following cases:—

(a.) Where the prisoner, not being a native of nor domiciled in such possession, has been tried under the authority of an Act of the Imperial Parliament;

(b.) Where the prisoner at the time of committing the offence of which he was convicted was subject to the Mutiny Act or Navy Acts;

and the consent of the prisoner shall not be necessary to such removal.

Moreover, a like order may be made in respect of a prisoner not falling within either of the two previous cases if—

(a.) The life of such prisoner is likely to be endangered or his health permanently injured by further imprisonment in such possession;

(b.) If it is expedient for the more efficient carrying-out of the sentence or for the safer custody of such prisoner to remove him from such possession.

Provided that such prisoner shall not be removed from any place not lying between the tropic of Cancer and the tropic of Capricorn to a place within those limits unless his consent has been first obtained.

4. If the prisoner is undergoing a longer sentence of imprisonment with hard labour than could have been awarded in the place to which he is to be removed, the Secretary of State may in the order of removal direct that the prisoner be removed to undergo the punishment of penal servitude for a term not exceeding that of his sentence of imprisonment.

5. Where any prisoner has been removed under this Act on the ground of ill-health, or for the more efficient carrying-out of the sentence, or for safer custody, a Secretary of State, with the concurrence of the Government of every possession concerned, may order that such prisoner be returned to the possession from which he was removed, there to undergo the residue of his sentence or any part thereof.

6. The concurrence of the Government of any possession shall for the purposes of this Act be signified by the Governor in Council, and be testified in any possession in India by a writing under the hand of a Secretary to Government, and in any other possession by a writing under the hand of the Clerk of the Council.

The consent of a prisoner shall be testified by a writing under his hand.

7. On receipt of an order of the Secretary of State for the removal or return of a prisoner under this Act, the Governor of the possession in which the prisoner is confined may, by warrant under his hand and the seal of the possession addressed to the keeper of the prison in which he is confined, order the delivery of the prisoner to such person or persons as shall be authorized to convey him to his destination; and the prisoner shall be delivered accordingly.