

THE COLONIAL PRISONERS REMOVAL ORDER IN COUNCIL, 1907. 1907 NO. 742.

AT THE COURT AT BUCKINGHAM PALACE,
THE 9th DAY OF SEPTEMBER, 1907.

Present,

The King's Most Excellent Majesty

Lord President *Sir Charles Hardinge*

Lord Denman *Mr. Harcourt*

His Majesty by virtue and in exercise of the powers in this behalf vested in him by the Colonial Prisoners Removal Act, 1884, is pleased, by and with the advice of His Privy Council, to make the following Order as to the removal and return of prisoners and criminal lunatics under the said Act—

I. Every prisoner removed under the said Act from a British Possession to the United Kingdom for the purpose of undergoing the residue of a sentence involving confinement in a prison combined with hard labour, shall, in the United Kingdom, be dealt with as follows, that is to say.

If the original period of his sentence did not exceed two years, in the same manner as if he had been sentenced in the United Kingdom to imprisonment with hard labour for the same period.

And if the original period of his sentence exceeded two years, in the same manner, as nearly as may be, as if he had been sentenced in the United Kingdom to penal servitude for the same period.

II. Every prisoner removed under the said Act from one British Possession to another British Possession for the purpose of undergoing the residue of a sentence shall in such last-mentioned British Possession be dealt with in the same manner as if he had there been sentenced to such punishment authorized by the law thereof as in the opinion of the Secretary of State signing the Order of Removal shall most nearly correspond to the punishment to which he was sentenced in the first mentioned British Possession, and for the same period.

III. If the prisoner or criminal lunatic is to be removed to the United Kingdom—

(1) A Secretary of State shall make out and sign the Order of Removal in duplicate and shall send one copy to the Governor of the Colony from which the prisoner is to be removed, and the Governor shall thereupon make out and sign in duplicate a Notification of Concurrence in the Order of Removal.

(2) One copy of the Order of Removal shall be retained in the Colony and the other copy shall be transmitted by the Secretary of State to the Home Office for record.

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(3) One copy of the Notification of Concurrence shall be retained in the Colony and attached to the Order of Removal and the other shall be sent to a Secretary of State and shall by him be transmitted to the Home Office for record.

IV. If the prisoner or criminal lunatic is to be removed to a British Possession—

(1) A Secretary of State shall make out and sign the Order of Removal in triplicate and shall send one copy to the Governor of each Colony concerned, who shall thereupon make out and sign in triplicate a Notification of Concurrence in the Order of Removal.

(2) The Governor of the Colony from which the prisoner is to be removed shall retain the copy of the Order of Removal and one copy of the Notification of Concurrence which he shall attach to the Order of Removal, and shall send the second copy of the Notification to the Governor of the Colony to which the prisoner is to be removed, and the third copy of Notification to a Secretary of State.

(3) The Governor of the Colony to which the prisoner is to be removed shall retain the copy of the Order of Removal and one copy of the Notification of Concurrence which he shall attach to the Order of Removal, and shall send the second copy of the Notification to the Governor of the Colony from which the prisoner is to be removed, and the third copy of notification to a Secretary of State.

Provided that the above procedure shall not apply to the removal of a prisoner or criminal lunatic from one British Possession to another in pursuance of an agreement made between such Possessions and sanctioned by Order in Council under the provisions of the Colonial Prisoners Removal Act, 1869.

V. A Removal Warrant duly made out and signed shall be transmitted with every prisoner or criminal lunatic who is removed. The Warrant shall be handed over with the prisoner or criminal lunatic to every person from time to time authorized to receive him in custody for the purpose of giving effect to the Order of Removal.

VI. The forms in the Schedule to this Order or forms to the like effect varied as circumstances may require may be used under the said Act.

VII. This Order shall commence and come into operation on the first day of November, 1907.

VIII. The Order in Council of the thirteenth day of December one thousand eight hundred and eighty nine made under the Colonial Prisoners' Removal Act 1884, shall continue in force until the commencement of this Order, and shall thereupon be revoked without prejudice to anything lawfully done thereunder.

IX. This Order may be cited as “The Colonial Prisoners’ Removal Order in Council 1907”.

A. W. Fitzroy.

SCHEDULE REFERRED TO IN THE FOREGOING ORDER IN COUNCIL

I. ORDER OF REMOVAL OF A PRISONER

Colonial Prisoners’ Removal Act, 1884

Whereas A.B. was on the day of convicted before the Court of of the crime (or offence) of and sentenced to penal servitude (or imprisonment, *or*, as the case may be) for the term of years (or for life), and is now undergoing the said sentence in the Colony (*or* Protectorate, *or*) of :

And whereas it is likely that the life (or health) of the said A.B. will be endangered (*or* permanently injured) by further imprisonment in the said Colony (*or* Protectorate, *or*) :

[*Or* whereas the said A.B. belonged at the time of committing the said offence to the Royal Navy (*or* to His Majesty’s regular military forces)]:

[*Or* whereas the said offence was committed wholly (*or* partly) beyond the limits of the said Colony (*or* Protectorate, *or*)] :

[*Or* whereas by reason of there being no prison in the said Colony (*or* Protectorate, *or*) in which the said A.B. can properly undergo his sentence (*or*, for other reasons to be stated) the removal of the said A.B. is expedient for his safe custody (or for more efficiently carrying his sentence into effect)] :

[*Or* whereas the said A.B. belongs to a class of persons who under the law of the said Colony (*or* Protectorate, *or*) are subject to removal under the Colonial Prisoners’ Removal Act, 1884]:

Now I do hereby in pursuance of the Colonial Prisoners’ Removal Act, 1884, with the concurrence of the Government of the said Colony (*or* Protectorate, *or*) [and the Government of the Colony (*or* Protectorate, *or*) of], order that the said A.B. be removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*) of] there to undergo the residue of his said sentence (with such variations of the conditions thereof as are or shall be provided by any regulations in force for the time being under the said Act) in accordance with the said Act.

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Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State, this day of 19.....

II. NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A PRISONER

Colonial Prisoners' Removal Act, 1884

Whereas an Order as been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State for the removal of A.B. a prisoner now in custody in the Colony (*or* Protectorate *or*) of to the United Kingdom [*or* the Colony (*or* Protectorate *or*) of] :

Now I, the Governor (*or* Lieutenant Governor *or* the Officer Administering the Government) of the Colony (*or* Protectorate *or*) of, with the advice of the Executive Council of the said Colony (*or* Protectorate *or*) hereby concur in the said Order of Removal.

As witness my hand this day of 19.....

III. WARRANT FOR REMOVAL OF A PRISONER

Colonial Prisoners' Removal Act, 1884.

To C.D., the Keeper of the Prison and to E.F., and G.H.

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or* Protectorate, *or*) of [and the Government of the Colony (*or* Protectorate, *or*) of] for the removal of A.B. a prisoner now in the custody of you, the said C.D., under a sentence of penal servitude (*or* imprisonment *or*, as the case may be), for the term of years from the day of (*or* for life), to the United Kingdom [*or* to the Colony (*or* Protectorate *or*)] of there to undergo the residue of the said sentence.

Now I do hereby, in pursuance of the said Act, order you, the said C.D., to deliver the body of the said A.B., into the custody of the said E.F., and G.H., or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said E.F., and G.H., or either of you, to receive the said A.B., into your custody, and to convey him to the United Kingdom [*or* to the Colony (*or* Protectorate *or*) of], and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* by the Governor of the said Colony

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(or Protectorate, or)] to receive him for the purpose of giving effect to the said Order of Removal.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of His Majesty’s Principal Secretaries of State (or Governor of), this day of 19.....

IV. WARRANT OF RECEPTION OF A PRISONER

Colonial Prisoners’ Removal Act, 1884

Whereas was on the day of 19....., convicted in the Court of of the crime of and sentenced to

And whereas in pursuance of the provisions of the Colonial Prisoners’ Removal Act, 1884, an Order has been made by one of His Majesty’s Principal Secretaries of State, with the concurrence of the Government of the Colony (or Protectorate or of [and of the Government of this Colony (or Protectorate or)] for the removal of the said to the United Kingdom [or to this Colony (or Protectorate or)], there to undergo the residue of his sentence; and whereas the Governor of the Colony (or Protectorate or of by a warrant under his hand ordered the said to be conveyed to the United Kingdom [or, this Colony (or Protectorate or)] and delivered to such person or persons as shall be empowered by one of His Majesty’s Principal Secretaries of State [or the Governor of this Colony (or Protectorate or)] to receive him for the purpose of giving effect to the said Order of Removal.

Now I, the Right Honourable one of His Majesty’s Principal Secretaries of State [or the Governor of the Colony (or Protectorate or)] hereby authorize and empower the Governor of H.M. Prison and all persons acting under his orders, to receive and detain the said for the purpose of giving effect to the said Order of Removal; and I further authorize and empower the Governor of any other of H.M. Prisons to which the said may be removed from Prison and all persons acting under his orders to receive and detain the said for the purpose of undergoing the residue of his sentence in such Prison.

Given under the hand of the undersigned, one of His Majesty’s Principal Secretaries of State (or Governor of) this day of 19.....

V. ORDER FOR THE RETURN OF A PRISONER TO A BRITISH POSSESSION

Colonial Prisoners' Removal Act, 1884

Whereas A.B. was on the day of 19....., convicted before the Court of of the crime (*or* offence) of and sentenced to penal servitude (*or* imprisonment, *or* as the case may be), for the term of years (*or* for life).

And whereas the said A.B. has been removed, under the Colonial Prisoners' Removal Act, 1884, from the Colony (*or* Protectorate, *or*) of to and is now undergoing his said sentence in the United Kingdom (*or* the Colony *or* Protectorate, *or*) of

Now I, [with the advice of the Executive Council of the said Colony (*or* Protectorate, *or*) of] hereby, in pursuance of the said Act, order that the said A.B. shall be returned to the said Colony (*or* Protectorate, *or*) of, there to undergo the residue (*or* for the purpose of being there discharged at the expiration) of his said sentence.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State [*or* Governor (*or* Lieutenant Governor *or* Officer Administering the Government) of the Colony (*or* Protectorate, *or*) of] this day of 19.....

VI. – WARRANT FOR RETURN OF A PRISONER TO A BRITISH POSSESSION

Colonial Prisoners' Removal Act, 1884

To C.D. the Governor (*or*) of the Prison, and to E.F., and G.H.

Whereas A.B., having been sentenced by the Court of to penal servitude (*or* imprisonment, *or* as the case may be) for the term of years from the day of 19....., (*or* for life) has under an order duly made under the Colonial Prisoners' Removal Act, 1884, been removed to the United Kingdom [*or* to the Colony *or* Protectorate, *or* of] and is now in the custody of you the said C.D. undergoing his said sentence.

And whereas an Order has been made under the said Act by one of His Majesty's Principal Secretaries of State [*or* by the Government of the said

Colony (*or* Protectorate *or*) of] for the return of the said A.B. to the said Colony (*or* Protectorate, *or*) of there to undergo the residue (*or* for the purpose of being there discharged at the expiration of his said sentence.

Now I do hereby in pursuance of the said Act order you the said C.D., to deliver the body of the said A.B., into the custody of the said E.F., and G.H., *or* one of them; and I do hereby, in further pursuance of the said Act, authorize you the said E.F., and G.H., *or* either of you, to receive the said A.B., into your custody, and to convey him to the Colony (*or* Protectorate, *or*) of and to deliver him to such person or persons as shall be empowered by the Governor of the said Colony (*or* Protectorate, *or*) to receive him for the purpose of giving effect to the said order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned one of His Majesty's Principal Secretaries of State (*or* Governor of) this day of 19.....

VII. ORDER OF REMOVAL OF A CRIMINAL LUNATIC

Colonial Prisoners' Removal Act, 1884

Whereas A.B. is in custody in the Colony (*or* Protectorate, *or*) of as a criminal lunatic having been charged with the offence of and found to have been insane at the time of such offence (*or* to be unfit on the ground of insanity to be tried for such offence) [*or* having been convicted of the offence of and sentenced to penal servitude (*or* imprisonment, *or*) for the term of years from the day of 18 (*or* for life), and afterwards certified (*or* lawfully proved) to be insane]:

And whereas it is likely that the life (*or* health) of the said A.B. will be endangered (*or* permanently injured) by further detention in custody in the said Colony (*or* Protectorate, *or*) :

[*Or* Whereas the said A.B. belonged at the time of the said offence to the Royal Navy (*or* to His Majesty's regular military forces)]:

[*Or* Whereas by reason of there being no asylum in the said Colony (*or* Protectorate, *or*), in which the said A.B. can be properly or conveniently detained and dealt with as a criminal lunatic, his removal to the United Kingdom (*or* to the Colony (*or* Protectorate, *or*) of) is expedient]:

[*Or* Whereas the said A.B. belongs to a class of persons who, under the law of the said Colony (*or* Protectorate, *or*) are subject to

removal under the Colonial Prisoners' Removal Act, 1884]:

Now I do hereby in pursuance of the Colonial Prisoners' Removal Act, 1884, with the concurrence of the Government of the said Colony (*or* Protectorate, *or*) [and the Government of the Colony (*or* Protectorate, *or*) of] order that the said A.B. be removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*) of] there to be detained in custody as a criminal lunatic, and dealt with in the same manner as if he had there become a criminal lunatic.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State this day of, 19.....

VIII. NOTIFICATION OF CONCURRENCE IN ORDER OF REMOVAL OF A CRIMINAL LUNATIC

Colonial Prisoners' Removal Act, 1884

Whereas an Order has been made under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State for the removal of A.B., a criminal lunatic now in custody in the Colony (*or* Protectorate *or*) of to the United Kingdom [*or* the Colony (*or* Protectorate, *or*) of]:

Now I, the Governor (*or* Lieutenant-Governor, *or* Officer Administering the Government) of the Colony (*or* Protectorate, *or*) of with the advice of the Executive Council of the said Colony (*or* Protectorate, *or*) hereby concur in the said Order of Removal.

As witness my hand this day of 19.....

IX. WARRANT FOR REMOVAL OF CRIMINAL LUNATIC

Colonial Prisoners' Removal Act, 1884

To C.D. the keeper of Lunatic Asylum,

and to E.F., and G.H.

Whereas an Order has been made, under the Colonial Prisoners' Removal Act, 1884, by one of His Majesty's Principal Secretaries of State with the concurrence of the Government of the Colony (*or* Protectorate, *or*)

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of [and the Government of the Colony (*or* Protectorate, *or*)] of, for the removal of A.B., a criminal lunatic now in the custody of you, the said C.D., to the United Kingdom [*or* the Colony (*or* Protectorate, *or*)] of] to be there dealt with in the same manner as if he had become a criminal lunatic in the United Kingdom [*or* the said Colony (*or* Protectorate, *or*)] of]:

Now I do hereby, in pursuance of the said Act, order you the said C.D., to deliver the body of the said A.B., into the custody of the said E.F., and G.H., or one of them; and I do hereby, in further pursuance of the said Act, authorize you, the said E.F. and G.H., or either of you, to receive the said A.B., into your custody, and to convey him to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*)] of, and to deliver him to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* the Governor of the said Colony (*or* Protectorate *or*)] to receive him for the purpose of giving effect to the said Order of Removal.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* the Governor of) this day of 19.....

X. WARRANT OF RECEPTION OF A CRIMINAL LUNATIC

Colonial Prisoners' Removal Act, 1884

Whereas is in custody in as a criminal lunatic, having been charged with the offence of and found to be insane at the time of such offence (*or* to be unfit on the ground of insanity to be tried for such offence) [*or* having been convicted of the offence of and sentenced to and afterwards certified (*or* lawfully proved) to be insane]:

And whereas in pursuance of the provisions of the Colonial Prisoners' Removal Act, 1884, an Order has been made by one of His Majesty's Principal Secretaries of State, with the concurrence of the Government of the Colony (*or* Protectorate, *or*)] of and of the Government of this Colony (*or* Protectorate, *or*)] for the removal of the said to the United Kingdom [*or* this Colony (*or* Protectorate, *or*)] there to be detained as a criminal lunatic until he shall have ceased to be a criminal lunatic, or shall otherwise lawfully be discharged :

And whereas the Governor of the Colony (*or* Protectorate, *or*)] of by a Warrant under his hand, ordered the said to be conveyed to the United Kingdom [*or* to this Colony (*or* Protectorate, *or*)] and delivered to such person or persons as shall be empowered by one of His Majesty's Principal Secretaries of State [*or* the Governor of this Colony (*or* Protectorate, *or*)] to receive him

for the purpose of giving effect to the said Order of Removal:

Now I, the Right Honourable one of His Majesty's Principal Secretaries of State [*or* the Governor of the Colony (*or* Protectorate, *or*)] hereby authorize and empower the Medical Superintendent of the Lunatic Asylum, and all persons acting under his orders, to receive and detain the said in the same manner as if he had become a criminal lunatic in the United Kingdom [*or* this Colony (*or* Protectorate, *or*)] until His Majesty's pleasure be further known concerning him.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State (*or* the Governor of) this day of 19.....

XI. ORDER FOR THE RETURN OF A CRIMINAL LUNATIC TO A BRITISH POSSESSION

Colonial Prisoners' Removal Act, 1884

Whereas A.B., having been in custody in the Colony (*or* Protectorate, *or*), of as a criminal lunatic, has been removed, under the Colonial Prisoners' Removal Act, 1884, to, and is now in custody as a criminal lunatic in, the United Kingdom [*or* the Colony (*or* Protectorate, *or*)] of:

And whereas I [*or* the Government of the said Colony (*or* Protectorate, *or*)] of consider that the said A.B. has become sufficiently sane to be tried for the offence with which he was charged in the said Colony (*or* Protectorate, *or*)] of

Now I [with the advice of the Executive Council of the said Colony (*or* Protectorate, *or*)] hereby, in pursuance of the said Act, order that the said A.B., be returned to the said Colony (*or* Protectorate, *or*)] there to be dealt with in the same manner as if he had not been removed therefrom.

Given under the hand of the undersigned, one of His Majesty's Principal Secretaries of State [*or* the Governor (*or* Lieutenant-Governor, *or* Officer Administering the Government of the Colony (*or* Protectorate, *or*)] of] this day of 19.....

XII. WARRANT FOR RETURN OF A CRIMINAL LUNATIC TO A BRITISH POSSESSION

Colonial Prisoners' Removal Act, 1884

To C.D., the of the Lunatic Asylum,
and to E.F., and G.H.

Whereas A.B., having been in custody as a criminal lunatic in the Colony
(*or* Protectorate, *or*) of has under an
order duly made under the Colonial Prisoners' Removal Act, 1884, been
removed to the United Kingdom [*or* to the Colony (*or* Protectorate, *or*
.....) of] and is now in the custody of you
the said C.D. as a criminal lunatic:

And whereas an order has been made under the said Act by one of His
Majesty's Principal Secretaries of State [*or* by the Government of the said
Colony (*or* Protectorate, *or*) of]
for the return of the said A.B. to the said Colony (*or* Protectorate, *or*
.....) of

Now I do hereby, in pursuance of the said Act, order you the said C.D., to
deliver the body of the said A.B., into the custody of the said E.F. and G.H. or
one of them; and I do hereby, in further pursuance of the said Act, authorize
you the said E.F. and G.H. or either of you, to receive the said A.B. into your
custody, and to convey him to the Colony (*or* Protectorate, *or*)
of and to deliver him to such person or persons as shall be
empowered by the Governor of the said Colony (*or* Protectorate, *or*
.....) to receive him for the purpose of giving effect to the said
order of return.

And for so doing this shall be your warrant.

Given under the hand of the undersigned, one of His Majesty's Principal
Secretaries of State (*or* Governor of) this
day of 19.....
