



Repatriation of Prisoners Act 1984

1984 CHAPTER 47

[^{F1}Transfer of prisoners to or from the United Kingdom]

1 Issue of warrant for transfer.

- (1) Subject to the following provisions of this section, where—
- (a) the United Kingdom is a party to international arrangements providing for the transfer between the United Kingdom and a country or territory outside the British Islands of persons to whom subsection (7) below applies, and
 - (b) the [^{F1}relevant Minister] and the appropriate authority of that country or territory have each agreed to the transfer under those arrangements of a particular person (in this Act referred to as “the prisoner”), and
 - [^{F2}(c) in a case in which the terms of those arrangements provide for the prisoner to be transferred only with his consent, the prisoner's consent has been given,]
- the [^{F1}relevant Minister] shall issue a warrant providing for the transfer of the prisoner into or out of the United Kingdom.
- (2) The [^{F1}relevant Minister] shall not issue a [^{F3}warrant under this section], and, if he has issued one, shall revoke it, in any case where after the duty under subsection (1) above has arisen and before the transfer in question takes place circumstances arise, or are brought to the [^{F1}relevant Minister]'s attention, which in his opinion make it inappropriate that the transfer should take place.
- (3) The [^{F1}relevant Minister] shall not issue a [^{F4}warrant under this section] providing for the transfer of any person into the United Kingdom unless—
- (a) that person is a British citizen; or
 - (b) the transfer appears to the [^{F1}relevant Minister] to be appropriate having regard to any close ties which that person has with the United Kingdom; or
 - (c) it appears to the [^{F1}relevant Minister] that the transfer is such a transfer for the purpose of the temporary return of the prisoner to the United Kingdom as may be provided for by virtue of section 4(1)(b) below.

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- (4) The [^{F1}relevant Minister] shall not issue a [^{F5}warrant under this section], other than one superseding an earlier warrant, unless he is satisfied that all reasonable steps have been taken to inform the prisoner in writing in his own language—
- (a) of the substance, so far as relevant to the prisoner's case, of the international arrangements in accordance with which it is proposed to transfer him,
 - (b) of the effect in relation to the prisoner of the warrant which it is proposed to issue in respect of him ^{F6} ...,
 - (c) in the case of a transfer into the United Kingdom, of the effect in relation to the prisoner of the law relating to his detention under that warrant (including the effect of any enactment or instrument under which he may be released earlier than provided for by the terms of the warrant),
 - (d) in the case of a transfer out of the United Kingdom, of the effect in relation to the prisoner of so much of the law of the country or territory to which he is to be transferred as has effect with respect to transfers under those arrangements, and
 - (e) of the powers of the [^{F1}relevant Minister] under section 6 of this Act;
- and, the [^{F1}relevant Minister] shall not issue a warrant superseding an earlier [^{F5}warrant under this section] unless the requirements of this subsection were fulfilled in relation to the earlier warrant.
- (5) [^{F7}In such a case as is referred to in subsection (1)(c) above, the relevant Minister shall not issue a [^{F8}warrant under this section] unless he is satisfied that the prisoner's consent was given] in a manner authorised by the international arrangements in accordance with which the prisoner is to be transferred and was so given either—
- (a) by the prisoner himself; or
 - (b) in circumstances where it appears to the [^{F1}relevant Minister] inappropriate by reason of the physical or mental condition or the youth of the prisoner for the prisoner to act for himself, by a person appearing to the [^{F1}relevant Minister] to be an appropriate person to have acted on the prisoner's behalf.
- (6) A consent given for the purposes of subsection (1)(c) above shall not be capable of being withdrawn after a warrant [^{F9}under this section] has been issued in respect of the prisoner; and, accordingly, a purported withdrawal of that consent after that time shall not affect the validity of the warrant, or of any provision which by virtue of section 6 below subsequently supersedes provisions of that warrant, or of any direction given in relation to the prisoner under section 2(3) below.
- (7) This subsection applies to a person if he is for the time being required to be detained in a prison, a hospital or any other institution either—
- (a) by virtue of an order made in the course of the exercise by a court or tribunal in the United Kingdom, or in any country or territory outside the British Islands, of its criminal jurisdiction; or
 - (b) under [^{F10}any of] the provisions of this Act or any similar provisions of the law of any part of the United Kingdom or of the law of any country or territory outside the British Islands.
- [^{F11}(7A) In subsection (7)(a) the reference to an order made by a court or tribunal in the United Kingdom in the course of the exercise of its criminal jurisdiction includes an order made (anywhere) by—
- (a) the Court Martial;
 - (b) the Service Civilian Court;

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- (c) the Court Martial Appeal Court; or
 - (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.]
- (8) In subsection (7)(b) above the reference to provisions similar to [^{F12}any of] the provisions of this Act shall be construed as a reference to any provisions which have effect with respect to [^{F13}—
- (a)] the transfer between different countries and territories (or different parts of a country or territory) of persons who are required to be detained in prisons, hospitals or other institutions by virtue of orders made in the course of the exercise by courts and tribunals of their criminal jurisdiction]^{F14}; or
 - (b) the transfer between different countries and territories (or different parts of a country or territory) of responsibility for the detention and release of persons who are required to be so detained in one of those countries or territories (or parts of a country or territory) but are present in the other country or territory (or part of a country or territory).]
- [^{F15}(9) In this section “relevant Minister” means—
- (a) the Scottish Ministers in a case where the 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—
 - (i) in Scotland; or
 - (ii) in the country or territory referred to in subsection (1)(b) above if it is proposed to transfer him from that country or territory to Scotland;
^{F16}...
 - [^{F17}(aa) the Department of Justice in Northern Ireland in a case where the 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—
 - (i) in Northern Ireland; or
 - (ii) in the country or territory referred to in subsection (1)(b) above if it is proposed to transfer him from that country or territory to Northern Ireland; and]
 - (b) the Secretary of State in any other case.]

Textual Amendments

- F1** Words in s. 1(1)-(5) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 75(2)(a)**
- F2** S. 1(1)(c) substituted (15.1.2007) by **Police and Justice Act 2006 (c. 48), ss. 44(2), 53(1)**; S.I. 2006/3364, art. 2(f)
- F3** Words in s. 1(2) substituted (14.7.2008) by **Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 11(2)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F4** Words in s. 1(3) substituted (14.7.2008) by **Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 11(2)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F5** Words in s. 1(4) substituted (14.7.2008) by **Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 11(3)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F6** Words in s. 1(4)(b) repealed (14.7.2008) by **Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 11(3)(b), Sch. 28 Pt. 6**; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 48(g)50(6)
- F7** Words in s. 1(5) substituted (15.1.2007) by **Police and Justice Act 2006 (c. 48), ss. 44(3), 53(1)**; S.I. 2006/3364, art. 2(f)
- F8** Words in s. 1(5) substituted (14.7.2008) by **Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 11(4)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

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- F9** Words in s. 1(6) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 11(5)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F10** Words in s. 1(7)(b) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 11(6)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F11** S. 1(7A) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 98**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F12** Words in s. 1(8) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 11(7)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F13** Words in s. 1(8) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 11(7)(b)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F14** S. 1(8)(b) and word inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 11(7)(c)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F15** S. 1(9) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 75(2)(b)**
- F16** Word in s. 1(9)(a) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 2(a)** (with arts. 28-31)
- F17** S. 1(9)(aa) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 2(b)** (with arts. 28-31)

Modifications etc. (not altering text)

- C1** Ss. 1-8: certain functions made exercisable in or as regards Scotland (30.6.1999) by S.I. 1999/1748, arts. 4(1), 8(1), **Sch. 2 para. 1(1)-(10)**
- C2** S. 1 amendments made by 2006 c. 48, s. 44(2)(3) extended (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), **ss. 96(1)**, 153(7); S.I. 2008/1586, art. 2(1), Sch. 1 para. 40
- C3** S. 1(7)(a) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 26**

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