



# Justice (Northern Ireland) Act 2004

## 2004 CHAPTER 4

### *Transfer of prisoners*

#### **13 Transfer of prisoners**

(1) Schedule 1 to the Crime (Sentences) Act 1997 (c. 43) (transfer of prisoners within the British Islands) is amended as follows.

(2) In paragraph 1 (transfer of prisoners: general) after sub-paragraph (2) insert—

“(2A) If it appears to the Secretary of State that—

(a) a person remanded in custody in Northern Ireland in connection with an offence, or

(b) a person serving a sentence of imprisonment in Northern Ireland;

should be transferred to another part of the United Kingdom in the interests of maintaining security or good order in any prison in Northern Ireland, the Secretary of State may make an order for his transfer to that other part, there to be remanded in custody pending his trial or, as the case may be, to serve the whole or any part of the remainder of his sentence, and for his removal to an appropriate institution there.”

(3) In paragraph 5(1) (conditions of transfer) after “this Part” insert “ (other than a transfer under paragraph 1(2A)) ”.

(4) After paragraph 5 insert—

#### **5A “Conditions of transfer under paragraph 1(2A)**

(1) A transfer under paragraph 1(2A) shall have effect subject to—

(a) such a condition as is mentioned in paragraph 6(1)(a); and

(b) such other conditions (if any) as the Secretary of State may think fit to impose.

(2) Such a condition as is mentioned in paragraph 6(1)(a) shall not be varied or removed.

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*Changes to legislation: There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Section 13. (See end of Document for details)*

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- (3) A condition imposed under sub-paragraph (1)(b) may be varied or removed at any time.”
- (5) In paragraph 6—
- (a) in sub-paragraph (2)(a) after “1(1)(a) or (2)(a)” insert “ or (2A)(a) ”;
  - (b) in sub-paragraph (2)(b) after “1(1)(b) or (2)(b)” insert “ or (2A)(b) ”.
- (6) In paragraph 12—
- (a) in sub-paragraph (1) after “1(1)(a)” insert “ or (2A)(a) ”;
  - (b) in sub-paragraph (2) after “1(1)(b)” insert “ or (2A)(b) ”.
- (7) In paragraph 13—
- (a) in sub-paragraph (1) after “1(1)(a)” insert “ or (2A)(a) ”;
  - (b) in sub-paragraph (2) after “1(1)(b)” insert “ or (2A)(b) ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Justice (Northern Ireland) Act 2004, Section 13.