



Repatriation of Prisoners Act 1984

1984 CHAPTER 47

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

3 Transfer into the United Kingdom.

- (1) The effect of a warrant [^{F1}under section 1] providing for the transfer of the prisoner into the United Kingdom shall be to authorise—
- (a) the bringing of the prisoner into the United Kingdom from a place outside the United Kingdom;
 - (b) the taking of the prisoner to such place in any part of the United Kingdom, being a place at which effect may be given to the provisions contained in the warrant by virtue of paragraph (c) below, as may be specified in the warrant; and
 - (c) the detention of the prisoner in any part of the United Kingdom in accordance with such provisions as may be contained in the warrant, being provisions appearing to the [^{F2}relevant Minister] to be appropriate for giving effect to the international arrangements in accordance with which the prisoner is transferred.
- (2) Subject to section 4(2) to (4) below, a provision shall not be contained by virtue of subsection (1)(c) above in a [^{F3}warrant under section 1] unless it satisfies the following two conditions, that is to say—
- (a) it is a provision with respect to the detention of a person in a prison, a hospital or any other institution; and
 - (b) it is a provision which at the time the warrant is issued may be contained in an order made either—
 - (i) in the course of the exercise of its criminal jurisdiction by a court in the part of the United Kingdom in which the prisoner is to be detained; or
 - (ii) otherwise than by a court but for the purpose of giving effect to an order made as mentioned in sub-paragraph (i) above.
- (3) In determining for the purposes of paragraph (c) of subsection (1) above what provisions are appropriate for giving effect to the international arrangements

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mentioned in that paragraph, the [^{F2}relevant Minister] shall, to the extent that it appears to him consistent with those arrangements to do so, have regard to the inappropriateness of the warrant's containing provisions which—

- (a) are equivalent to more than the maximum penalties (if any) that may be imposed on a person who, in the part of the United Kingdom in which the prisoner is to be detained, commits an offence corresponding to that in respect of which the prisoner is required to be detained in the country or territory from which he is to be transferred; or
 - (b) are framed without reference to the length—
 - (i) of the period during which the prisoner is, but for the transfer, required to be detained in that country or territory; and
 - (ii) of so much of that period as will have been, or be treated as having been, served by the prisoner when the said provisions take effect.
- (4) Subject to subsection (6) below and the Schedule to this Act, a provision contained by virtue of subsection (1)(c) above in a [^{F4}warrant under section 1] shall for all purposes have the same effect as the same provision contained in an order made as mentioned in sub-paragraph (i) or, as the case may be, sub-paragraph (ii) of subsection (2) (b) above.
- (5) A provision contained by virtue of subsection (1)(c) above in a warrant under this Act shall take effect with the delivery of the prisoner to the place specified in the warrant for the purposes of subsection (1)(b) above.
- (6) Subsection (4) above shall not confer any right of appeal on the prisoner against provisions contained by virtue of subsection (1)(c) above in a [^{F5}warrant under section 1].
- (7) [^{F6}Part 1 of] the Schedule to this Act shall have effect, subject to section 4(4) below, with respect to the operation of certain enactments in relation to provisions contained by virtue of subsection (1)(c) above in a [^{F7}warrant under section 1].
- (8) For the purposes of determining whether at any particular time any such order as is mentioned in subsection (2)(b) above could have been made as so mentioned, there shall be disregarded both—
- (a) any requirement that certain conditions must be satisfied before the order is made; and
 - (b) any restriction on the minimum period in respect of which the order may be made.

^{F8}(9)

^{F9}(10)

Textual Amendments

- F1** Words in s. 3(1) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 13\(2\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F2** Words in s. 3(1)(c)(3) substituted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 75\(4\)](#)
- F3** Words in s. 3(2) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 13\(3\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F4** Words in s. 3(4) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 13\(3\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F5** Words in s. 3(6) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 13\(3\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

Changes to legislation: *There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Section 3. (See end of Document for details)*

- F6** Words in s. 3(7) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 13(4)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F7** Words in s. 3(7) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 13(4)(b)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F8** S. 3(9) repealed (18.12.2003) by Criminal Justice Act 2003 (c. 44), s. 336(2), Sch. 32 para. 42, **Sch. 37 Pt. 9**
- F9** S. 3(10) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 26 para. 13(5), **Sch. 28 Pt. 6**; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 48(g)50(6)

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)**

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