



# Repatriation of Prisoners Act 1984

## 1984 CHAPTER 47

### *[<sup>F1</sup>Supplementary and general provisions]*

#### **[<sup>F1</sup>6A Transit**

- (1) The relevant Minister may issue a transit order 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 (2) applies; and
  - (b) the relevant Minister has received a request from the appropriate authority of that country or territory in accordance with those arrangements for the transit of a person to whom subsection (2) applies through a part of [<sup>F2</sup>the United Kingdom].
- (2) A person falls within this subsection if—
  - (a) that person is for the time being required to be detained in a prison, a hospital or any other institution either—
    - (i) by virtue of an order made in the course of the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction; or
    - (ii) by virtue of any provisions of the law of such a country or territory which are similar to any of the provisions of this Act; and
  - (b) except in a case where a transit request is made in the circumstances described in section 6D (1), that person is present in a country or territory outside the British Islands.
- (3) The relevant Minister may issue a transit order where—
  - (a) international arrangements apply to any of the Channel Islands or the Isle of Man which provide for the transfer between that island and a country or territory outside the British Islands of persons to whom subsection (4) applies; and
  - (b) the relevant Minister has received a request from the appropriate authority of that island for the transit of a person to whom subsection (4) applies through a part of [<sup>F3</sup>the United Kingdom].

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*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Section 6A. (See end of Document for details)*

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- (4) A person falls within this subsection if—
- (a) that person is for the time being required to be detained in a prison, a hospital or any other institution either—
    - (i) by virtue of an order made in the course of the exercise of its criminal jurisdiction by a court or tribunal in the island from which the transit request is made; or
    - (ii) by virtue of any provisions of the law of that island which are similar to any of the provisions of this Act; and
  - (b) except in a case where a transit request is made in the circumstances described in section 6D(1), that person is present in that island.
- (5) Terms used in subsection (2)(a) or (4)(a) have the same meaning as in section 1(7).
- (6) In this section and sections 6B, 6C and 6D “transit order” means an order issued by the relevant Minister, in respect of a person who has been the subject of a request within subsection (1)(b) or (3)(b), which authorises the detention of that person in any part of [<sup>F4</sup>the United Kingdom] at any time when that person is in transit.
- (7) In subsection (6) “detention” includes detention while the person is being taken from one place to another place within [<sup>F5</sup>the United Kingdom].
- (8) A person may be detained pursuant to a transit order only for as long as is reasonable and necessary to allow the transit to take place.
- (9) In this section and section 6B “relevant Minister” means—
- (a) the Scottish Ministers, in a case where it is proposed that the person who is the subject of a request under subsection (1)(b) or (3)(b) will, whilst in transit—
    - (i) be present only in Scotland, or
    - (ii) arrive in Scotland before being taken to another part of [<sup>F6</sup>the United Kingdom];
  - [<sup>F7</sup>(aa) the Department of Justice in Northern Ireland, in a case where it is proposed that the person who is the subject of a request under subsection (1)(b) or (3)(b) will, whilst in transit—
    - (i) be present only in Northern Ireland, or
    - (ii) arrive in Northern Ireland before being taken to another part of the United Kingdom;]
  - (b) the Secretary of State, in any other case.
- (10) For the purposes of this section and sections 6B and 6C a person who is the subject of a transit order is “in transit” at any time during the period beginning with the arrival of that person in [<sup>F8</sup>the United Kingdom] and ending with the removal of that person from [<sup>F8</sup>the United Kingdom] .]

#### Textual Amendments

- F1** Ss. 6A-6D inserted (E.W.S.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 131(1)**, 151(1); S.I. 2012/2906, art. 2(f)
- F2** Words in s. 6A(1)(b) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **114(3)(a)**
- F3** Words in s. 6A(3)(b) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **114(3)(a)**

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- F4** Words in s. 6A(6) substituted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **114(3)(b)**
- F5** Words in s. 6A(7) substituted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **114(3)(c)**
- F6** Words in s. 6A(9)(a)(ii) substituted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **114(3)(d)(i)**
- F7** S. 6A(9)(aa) inserted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **114(3)(d)(ii)**
- F8** Words in s. 6A(10) substituted (3.12.2014) by The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014 (S.I. 2014/3141), regs. 1(b), **114(3)(e)**

**Changes to legislation:**

There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Section 6A.