

## SCHEDULES

### SCHEDULE 8

#### Transfer of prisoners

##### *Repatriation of Prisoners Act 1984*

#### 14. After section 8 insert—

##### **“8A Northern Ireland: national security**

(1) The Secretary of State may, by virtue of this subsection, make an agreement under section 1(1)(b) or 4A(5)(b) if—

- (a) the agreement is one that could be made by the Department of Justice in Northern Ireland by virtue of section 1(9)(aa) or 4A(10)(aa), and
- (b) the Secretary of State’s decision to make the agreement is arrived at (wholly or partly) on the basis of protected information.

(2) Subject to subsection (3), if the Secretary of State makes an agreement by virtue of subsection (1) in any case, in this Act references to the relevant Minister are to be read, for that case, as references to the Secretary of State (and the definitions of “relevant Minister” are to be read accordingly).

(3) In the case of an agreement under section 4A(5)(b), subsection (2) does not apply to—

- (a) the references in sections 4A(1) and 4B(1);
- (b) the last two references in section 4A(5);
- (c) the second reference in section 4A(6);
- (d) the first reference in section 4C(1);
- (e) the reference in paragraph 9 of the Schedule.

(4) The Secretary of State may notify the Department of Justice that no agreement is to be made under section 1(1)(b) or 4A(5)(b) in relation to a particular person without the Secretary of State’s agreement; and the Department may not make such an agreement in relation to that person without the Secretary of State’s agreement.

(5) But the Secretary of State may give a notification or refuse his agreement only if his decision to do so is arrived at (wholly or partly) on the basis of protected information.

(6) In this section “protected information” means information the disclosure of which may, in the opinion of the Secretary of State, be against the interests of national security.”

#### **Commencement Information**

**II** Sch. 8 para. 14 in force at 12.4.2010, see [art. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010, Paragraph 14.