



# Criminal Justice (International Co-operation) Act 1990

## 1990 CHAPTER 5

### PART I

#### CRIMINAL PROCEEDINGS AND INVESTIGATIONS

##### *Mutual provision of evidence*

- 6 Transfer of overseas prisoner to give evidence or assist investigation in the United Kingdom.**
- (1) This section has effect where—
- (a) a witness order has been made or a witness summons or citation issued in criminal proceedings in the United Kingdom in respect of a person (“a prisoner”) who is detained in custody in a country or territory outside the United Kingdom by virtue of a sentence or order of a court or tribunal exercising criminal jurisdiction in that country or territory; or
  - (b) it appears to the Secretary of State that it is desirable for a prisoner to be identified in, or otherwise by his presence to assist, such proceedings or the investigation in the United Kingdom of an offence.
- (2) If the Secretary of State is satisfied that the appropriate authority in the country or territory where the prisoner is detained will make arrangements for him to come to the United Kingdom to give evidence pursuant to the witness order, witness summons or citation or, as the case may be, for the purpose mentioned in subsection (1)(b) above, he may issue a warrant under this section.
- (3) No warrant shall be issued under this section in respect of any prisoner unless he has consented to being brought to the United Kingdom to give evidence as aforesaid or, as the case may be, for the purpose mentioned in subsection (1)(b) above but a consent once given shall not be capable of being withdrawn after the issue of the warrant.
- (4) The effect of the warrant shall be to authorise—

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Section 6. (See end of Document for details)*

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- (a) the bringing of the prisoner to the United Kingdom;
  - (b) the taking of the prisoner to, and his detention in custody at, such place or places in the United Kingdom as are specified in the warrant; and
  - (c) the returning of the prisoner to the country or territory from which he has come.
- (5) Subsections (4) to (8) of section 5 above shall have effect in relation to a warrant issued under this section as they have effect in relation to a warrant issued under that section.
- (6) A person shall not be subject to the <sup>M1</sup>Immigration Act 1971 in respect of his entry into or presence in the United Kingdom in pursuance of a warrant under this section but if the warrant ceases to have effect while he is still in the United Kingdom—
- (a) he shall be treated for the purposes of that Act as if he has then illegally entered the United Kingdom; and
  - (b) the provisions of Schedule 2 to that Act shall have effect accordingly except that paragraph 20(1) (liability of carrier for expenses of custody etc. of illegal entrant) shall not have effect in relation to directions for his removal given by virtue of this subsection.
- (7) This section applies to a person detained in custody in a country or territory outside the United Kingdom in consequence of [<sup>F1</sup> —
- (b) having been transferred there, or responsibility for his detention and release having been transferred there, from the United Kingdom under the Repatriation of Prisoners Act 1984;
  - (c) having been transferred there, or responsibility for his detention and release having been transferred there, under any similar provision or arrangement from any other country or territory,]
- as it applies to a person detained as mentioned in subsection (1) above.

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**Textual Amendments**

**F1** Words in s. 6(7) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 27](#); [S.I. 2008/1586](#), art. 2(1), [Sch. 1 para. 48\(k\)](#)

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**Modifications etc. (not altering text)**

**C1** Ss. 1-6, 8-10, 12-16, 18-21, 24-30, 32, Schs. 1-3 extended (with modifications) (to Anguilla) (14.7.1994) by [S.I. 1994/1635](#), art. 2, [Sch. 1](#)

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**Commencement Information**

**I1** S. 6 wholly in force at 10.6.1991 see s. 32(2) and [S.I. 1991/1072](#), [art. 2 Schedule Pt. I](#)

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**Marginal Citations**

**M1** 1971 c. 77.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice (International Co-operation) Act 1990, Section 6.