
STATUTORY INSTRUMENTS

2014 No. 3141

**The Criminal Justice and Data Protection
(Protocol No. 36) Regulations 2014**

PART 8

Prisoner Transfer

Transfer of prisoners

114.—(1) The Repatriation of Prisoners Act 1984⁽¹⁾ is amended as follows.

(2) In section 3A⁽²⁾ (prosecution of other offences), in subsections (1)(a) and (3)(d) (in both places), for “Great Britain” substitute “the United Kingdom”.

(3) In section 6A⁽³⁾ (transit)—

(a) in subsections (1)(b) and (3)(b), for “Great Britain” substitute “the United Kingdom”;

(b) in subsection (6), for “Great Britain” substitute “the United Kingdom”;

(c) in subsection (7), for “Great Britain” substitute “the United Kingdom”;

(d) in subsection (9)—

(i) in paragraph (a)(ii), for “Great Britain” substitute “the United Kingdom”;

(ii) after paragraph (a) insert—

“(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.”;

(e) in subsection (10) for “Great Britain”, in both places, substitute “the United Kingdom”.

(4) In section 6B (transit: supplementary), in subsections (4) and (11)(a) (in both places), for “Great Britain” substitute “the United Kingdom”.

(5) For section 6C substitute—

“Transit through different parts of the United Kingdom

6C.—(1) Where—

(a) a transit order is issued by the Minister for one part of the United Kingdom (“jurisdiction A”), and

⁽¹⁾ 1984 c. 47.

⁽²⁾ Section 3A was inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 130.

⁽³⁾ Sections 6A to 6D were inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 131(1).

- (b) it is proposed that the person who is the subject of the order will whilst in transit be taken to another part of the United Kingdom (“jurisdiction B”),
- the Minister for jurisdiction A must notify the Minister for jurisdiction B.
- (2) Notification need not be given where the Minister for jurisdiction B has agreed in writing to the transit order.
- (3) Unless the Minister for jurisdiction B agrees in writing to the transit order, the order authorises the detention of the person subject to it in jurisdiction A only.
- (4) But where the person escapes or is unlawfully at large, the order also authorises—
- (a) the arrest of the person under section 6B(5) in a part of the United Kingdom other than jurisdiction A, and
 - (b) the detention of the person in that part by a constable (within the meaning of that section) for the purpose of taking the person to jurisdiction A.
- (5) For the purposes of this section—
- (a) the Minister for England and Wales, is the Secretary of State,
 - (b) the Minister for Scotland is the Scottish Ministers, and
 - (c) the Minister for Northern Ireland is the Department of Justice in Northern Ireland.”
- (6) In section 6D (transit: unscheduled arrivals), in subsections (1)(c), (2), (3) (in both places) and (4), for “Great Britain” substitute “the United Kingdom”.
- (7) In section 8 (interpretation and certificates)(4)—
- (a) in subsection (1), omit the definition of “international arrangements”, and
 - (b) after subsection (2) insert—

“(2A) In this Act—

 - (a) “international arrangements” includes any arrangements between the United Kingdom and a British overseas territory, and
 - (b) references to a country or territory being a party to international arrangements include references to the country or territory being required to comply with provisions of a Framework Decision of the Council of the European Union (and references to international arrangements are to be construed accordingly).”.
- (8) In section 9(5) (short title, commencement and extent)—
- (a) in subsection (3), omit “Subject to subsection (3A)”;
 - (b) omit subsection (3A).

(4) Section 8 was amended by section 96 of, and Schedule 26 and Schedule 28 to, the Criminal Justice and Immigration Act 2008; S.I. 1999/1820; and S.I. 2010/976.

(5) Section 9 was amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 131(2).