



# Repatriation of Prisoners Act 1984

## 1984 CHAPTER 47

*[<sup>F1</sup>Transfer of prisoners to or from the United Kingdom]*

### **2 Transfer out of the United Kingdom.**

[<sup>F1</sup>(1) The effect of a warrant [<sup>F2</sup>under section 1] under section 1 providing for the transfer of the prisoner out of the United Kingdom shall be to authorise—

- (a) the taking of the prisoner to any place in any part of the United Kingdom, his delivery at a place of departure from the United Kingdom into the custody of an appropriate person and his removal by that person from the United Kingdom to a place outside the United Kingdom; or
- (b) the taking of the prisoner to any place in any part of the United Kingdom, his removal from the United Kingdom and his delivery, at the place of arrival from the United Kingdom, into the custody of an appropriate person.

(1A) In subsection (1) “appropriate person” means a person representing the appropriate authority of the country or territory to which the prisoner is to be transferred.]

(2) Subject to subsections (3) to (5) below, the order by virtue of which the prisoner is required to be detained at the time such a warrant is issued in respect of him shall continue to have effect after his removal from the United Kingdom so as to apply to him if he is again in the United Kingdom at any time when under that order he is to be, or may be, detained.

(3) If, at any time after the removal of the prisoner from the United Kingdom, it appears to the [<sup>F3</sup>relevant Minister] appropriate to do so in order that effect may be given to the international arrangements in accordance with which the prisoner was transferred, the [<sup>F3</sup>relevant Minister] may give a direction varying the order referred to in subsection (2) above or providing for that order to cease to have effect.

[<sup>F4</sup>(3A) In subsection (3) above, “relevant Minister” means—

- (a) the Scottish Ministers where the order referred to in subsection (2) above relates to a person who has been removed from Scotland by virtue of a warrant issued under section 1 above; <sup>F5</sup> ...

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- [<sup>F6</sup>(aa) the Department of Justice in Northern Ireland where the order referred to in subsection (2) above relates to a person who has been removed from Northern Ireland by virtue of a warrant issued under section 1 above; and]
- (b) the Secretary of State in any other case.]
- (4) The power by direction under subsection (3) above to vary the order referred to in subsection (2) above shall include power by direction—
- (a) to provide for how any period during which the prisoner is, by virtue of a [<sup>F7</sup>warrant under section 1] , out of the part of the United Kingdom in which that order has effect is to be treated for the purposes of that order; and
- (b) to provide for the prisoner to be treated as having been—
- [<sup>F8</sup>(i) released on licence under section 28(5) of the Crime (Sentences) Act 1997 or under [<sup>F9</sup>Chapter 6 of Part 12] of the Criminal Justice Act 2003; or]
- [<sup>F10</sup>(ii) released on licence under section 1(2), (3) or (4), [<sup>F11</sup>1AB,] 2(4) or 7(1) or (2) of the Prisoners and Criminal Proceedings (Scotland) Act 1993;]
- [<sup>F12</sup>(iia) released subject to a supervised release order made under section 209 of the <sup>M1</sup>Criminal Procedure (Scotland) Act 1995;]
- (iii) released on licence under [<sup>F13</sup>Article 6(3) of the Life Sentences (Northern Ireland) Order 2001] or discharged on licence [<sup>F14</sup>Article 46 of the Criminal Justice (Children)(Northern Ireland) Order 1998] (release and discharge on licence of, respectively, persons serving imprisonment for life and [<sup>F14</sup>children] in detention for grave crimes); or
- [<sup>F15</sup>(iia) released on licence under Article 17 or 19 of the Criminal Justice (Northern Ireland) Order 2008;]
- (iv) for the purposes of Part II of the <sup>M2</sup>Treatment of Offenders (Northern Ireland) Order 1976 (conviction within certain period after discharge), discharged from prison or a young offenders centre in pursuance of rules made under section 13 of the said Act of 1953.
- (5) Except in relation to any period during which a restriction order is in force in respect of the prisoner, subsection (2) above shall not apply in relation to a hospital order; and, accordingly, a hospital order shall cease to have effect in relation to the prisoner—
- (a) at the time of his removal from the United Kingdom if no restriction order is in force in respect of him at that time; and
- (b) if at that time a restriction order is in force in respect of him, as soon after his removal as the restriction order ceases to have effect.
- (6) In subsection (5) above—
- “hospital order” means an order made under section 37 of the Mental Health Act 1983, section 175 or 376 of the <sup>M3</sup>Criminal Procedure (Scotland) Act 1975 or [<sup>F16</sup>Article 44 of the Mental Health (Northern Ireland) Order 1986][<sup>F17</sup> or a compulsion order under section 57A of the Criminal Procedure (Scotland) Act 1995 ] or any order or direction made under another enactment but having the same effect as an order made under one of [<sup>F16</sup>those provisions]; and
- “restriction order” means an order made under section 41 of the said Act of 1983, section 178 or 379 of the said Act of 1975 or [<sup>F16</sup>Article 47 of the said

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Order of 1986] or any order or direction made under another enactment but having the same effect as an order made under one of [F16those provisions].

- (7) References in this section to the order by virtue of which the prisoner is required to be detained at the time a [F18warrant under section 1] is issued in respect of him include references to any order by virtue of which he is required to be detained after the order by virtue of which he is required to be detained at that time ceases to have effect.

#### Textual Amendments

- F1** S. 2(1)(1A) substituted for s. 2(1) (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **93**, 153(7) (with Sch. 27 para. 30); S.I. 2008/1586, art. 2(1), Sch. 1 para. 37
- F2** Words in s. 2(1) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 12(2)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F3** Words in s. 2(3) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 75(3)(a)**
- F4** S. 2(3A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 75(3)(b)**
- F5** Word in s. 2(3A)(a) omitted (12.4.2010) by virtue of The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 3(a)** (with arts. 28-31)
- F6** S. 2(3A)(aa) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 1(2), **Sch. 8 para. 3(b)** (with arts. 28-31)
- F7** Words in s. 2(4)(a) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 12(3)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F8** S. 2(4)(b)(i) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 41** (and with saving in 2008 c. 4, Sch. 26 para. 12(3)(b)); S.I. 2005/950, art. 2(1), Sch. 1 para. 42(19) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F9** Words in s. 2(4)(b)(i) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 16 para. 4**; S.I. 2012/2906, art. 2(n)
- F10** S. 2(4)(b)(ii) substituted (E.W.S.) (1.10.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 3(2)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F11** Word in s. 2(4)(b)(ii) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), **Sch. 13 para. 50**
- F12** S. 2(4)(b)(iia) inserted (1.8.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 10(2)(b)**(with s. 33); S.I. 1997/1712, art. 3, **Sch.**
- F13** Words in s. 2(4)(b)(iii) substituted (8.10.2001) by S.I. 2001/2565, **arts. 1(2) 2(2)**; S.R. 2001/337, **art. 2**
- F14** Words in s. 2(4)(b)(iii) substituted (31.1.1999) by S.I. 1998/1504 (N.I. 9), arts. 1(2), **Sch. 5 para. 22**; S.R. 1999/25, **art. 2(c)**
- F15** S. 2(4)(b)(iiia) inserted (N.I.) (1.4.2009 for specified purposes) by The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216), art. 1(4), **Sch. 5 para. 4(1)**; S.R. 2009/120, art. 2, Sch. 1 para. 18(a) (with Sch. 2 paras. 12(3))
- F16** Words substituted by S.I. 1986/596, **art. 9**
- F17** Words in s. 2(6) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **96(2)**, 153(7); S.I. 2008/1586, art. 2(1), Sch. 1 para. 40
- F18** Words in s. 2(7) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 12(4)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

#### 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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**Marginal Citations**

**M1** 1995 c.46.

**M2** S.I. 1976/226 (N.I. 4.).

**M3** 1975 c. 21.

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