



# Repatriation of Prisoners Act 1984

## 1984 CHAPTER 47

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

### 4 Temporary return.

- (1) A single [<sup>F1</sup>warrant under section 1] may provide for the transfer of the prisoner both out of and into (or into and out of) the United Kingdom if it appears to the [<sup>F2</sup>relevant Minister] that the transfers are to be for the purpose of the temporary return of the prisoner either—
  - (a) from the United Kingdom to a country or territory outside the British Islands from which he has previously been transferred into the United Kingdom[<sup>F3</sup>, or from which responsibility for his detention and release has previously been transferred to the United Kingdom,] under this Act or any other enactment; or
  - (b) to the United Kingdom from a country or territory outside the British Islands to which he has previously been transferred[<sup>F4</sup>, or to which responsibility for his detention and release has previously been transferred,] from the United Kingdom under this Act.
- (2) The provisions contained by virtue of section 3(1)(c) above in [<sup>F5</sup>a warrant under section 1] issued for the purpose of the temporary return of the prisoner to a country or territory outside the British Islands may, where the prisoner is required when that warrant is issued to be detained in accordance with provisions so contained in an [<sup>F6</sup>earlier warrant under section 1 or section 4A], require the prisoner to continue, after his return to the part of the United Kingdom in which the provisions contained in the earlier warrant have effect, to be detained in accordance with those earlier provisions.
- (3) A warrant [<sup>F7</sup>issued under section 1] containing, with respect to provisions contained in an earlier warrant [<sup>F8</sup>under section 1 or section 4A], any such requirement as is referred to in subsection (2) above, shall provide that any period during which the prisoner is out of the part of the United Kingdom in which the provisions contained in the earlier warrant have effect and is in custody is to be treated (except to such extent as may be specified in the warrant in order that effect may be given to the international arrangements in question) as a period during which the prisoner is detained under the provisions contained in the earlier warrant.

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*Changes to legislation:* There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Section 4. (See end of Document for details)

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(4) The provisions contained by virtue of section 3(1)(c) above in a [F<sup>9</sup>warrant under section 1] issued for the purpose of the temporary return of the prisoner to the United Kingdom may require the prisoner to be detained in accordance with any order which on his return will apply in respect of him in pursuance of section 2(2) above; and the Schedule to this Act shall not apply in relation to the provisions so contained in such a warrant.

[F<sup>10</sup>(5) In this section “relevant Minister” means—

- (a) the Scottish Ministers in a case where the prisoner is a person who is either—
  - (i) detained in Scotland and the transfers are for the purpose of a temporary return of the prisoner to a country or territory outside the British Islands from which he has previously been transferred into Scotland under this Act or any other enactment; or
  - (ii) detained in a country or territory outside the British Islands to which he has previously been transferred from Scotland under this Act; F<sup>11</sup>...

[ F<sup>12</sup>(aa) the Department of Justice in Northern Ireland in a case where the prisoner is a person who is either—

- (i) detained in Northern Ireland and the transfers are for the purpose of a temporary return of the prisoner to a country or territory outside the British Islands from which he has previously been transferred into Northern Ireland under this Act or any other enactment; or
- (ii) detained in a country or territory outside the British Islands to which he has previously been transferred from Northern Ireland under this Act; and]

(b) the Secretary of State in any other case.]

[F<sup>13</sup>(6) Any reference in subsection (5)(a) to the prisoner having previously been transferred into or from Scotland includes a reference to responsibility for his detention and release having previously been transferred to or from the Scottish Ministers (as the case may be).]

[F<sup>14</sup>(7) Any reference in subsection (5)(aa) to the prisoner having previously been transferred into or from Northern Ireland includes a reference to responsibility for his detention and release having previously been transferred to or from the Department of Justice in Northern Ireland (as the case may be).]

#### Textual Amendments

- F1 Words in s. 4(1) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(2)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F2 Words in s. 4(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 75(5)(a)**
- F3 Words in s. 4(1)(a) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(2)(b)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F4 Words in s. 4(1)(b) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(2)(c)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F5 Words in s. 4(2) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(3)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F6 Words in s. 4(2) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(3)(b)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F7 Words in s. 4(3) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(4)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

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- F8** Words in s. 4(3) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(4)(b)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F9** Words in s. 4(4) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(5)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F10** S. 4(5) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 75(5)(b)**
- F11** Word in s. 4(5)(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. 4(2)(a)** (with arts. 28-31)
- F12** S. 4(5)(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. 4(2)(b)** (with arts. 28-31)
- F13** S. 4(6) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 14(6)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F14** S. 4(7) 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. 4(3)** (with arts. 28-31)

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**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)**

**Changes to legislation:**

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