



# Repatriation of Prisoners Act 1984

## 1984 CHAPTER 47

*[<sup>F1</sup>Transfer of responsibility for detention and release of offender present outside the country or territory in which he is required to be detained*

### **[<sup>F1</sup>4C Transfer of responsibility to the United Kingdom**

- (1) The effect of a warrant under section 4A relating to a person to whom subsection (3) of that section applies shall be to transfer responsibility for the detention and release of that person to the relevant Minister (as defined in section 4A(10)) and to authorise—
  - (a) the taking of that person in custody to such place in any part of the United Kingdom as may be specified in the warrant, being a place at which effect may be given to the provisions contained in the warrant by virtue of paragraph (b); and
  - (b) the detention of that person in any part of the United Kingdom in accordance with such provisions as may be contained in the warrant, being provisions appearing to the relevant Minister to be appropriate for giving effect to the international arrangements in accordance with which responsibility for that person is transferred.
- (2) A provision shall not be contained by virtue of subsection (1)(b) in a warrant under section 4A unless it satisfies the following two conditions, that is to say—
  - (a) it is a provision with respect to the detention of a person in a prison, a hospital or any other institution; and
  - (b) it is a provision which at the time the warrant is issued may be contained in an order made either—
    - (i) in the course of the exercise of its criminal jurisdiction by a court in the part of the United Kingdom in which the person is to be detained; or
    - (ii) otherwise than by a court but for the purpose of giving effect to an order made as mentioned in sub-paragraph (i).
- (3) Section 3(3) applies for determining for the purposes of paragraph (b) of subsection (1) above what provisions are appropriate for giving effect to the international arrangements mentioned in that paragraph in a relevant person's case as it applies for

---

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

---

the purposes of section 3(1)(c) in the case of a prisoner who is to be transferred into the United Kingdom.

- (4) Subject to subsection (6) and Part 2 of the Schedule to this Act, a provision contained by virtue of subsection (1)(b) in a warrant under section 4A shall for all purposes have the same effect as the same provision contained in an order made as mentioned in subparagraph (i) or, as the case may be, sub-paragraph (ii) of subsection (2)(b).
- (5) A provision contained by virtue of subsection (1)(b) in a warrant under section 4A shall take effect with the delivery of the relevant person to the place specified in the warrant for the purposes of subsection (1)(a).
- (6) Subsection (4) shall not confer any right of appeal on the relevant person against provisions contained by virtue of subsection (1)(b) in a warrant under this section.
- (7) Part 2 of the Schedule to this Act shall have effect with respect to the operation of certain enactments in relation to provisions contained by virtue of subsection (1)(b) in a warrant under section 4A.
- (8) For the purposes of determining whether at any particular time any such order as is mentioned in subsection (2)(b) could have been made as so mentioned, there shall be disregarded both—
  - (a) any requirement that certain conditions must be satisfied before the order is made; and
  - (b) any restriction on the minimum period in respect of which the order may be made.]

---

#### **Textual Amendments**

- F1** Ss. 4A-4C and cross-heading inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), [ss. 94](#), 153(7); S.I. 2008/1586, art. 2(1), Sch. 1 para. 38

**Changes to legislation:**

There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Section 4C.