



# Repatriation of Prisoners Act 1984

## 1984 CHAPTER 47

*[<sup>F1</sup>Persons believed to fall within section 4A(3): powers of arrest and detention*

**[<sup>F1</sup>4D Arrest and detention with a view to establishing whether a person falls within section 4A(3) etc.**

- (1) The Secretary of State or the Scottish Ministers [<sup>F2</sup>or the Department of Justice in Northern Ireland] may issue a certificate stating that the issuing authority—
  - (a) considers that there are reasonable grounds for believing that a person in the United Kingdom is a person falling within section 4A(3), and
  - (b) has requested written confirmation from the country or territory concerned of the details of that person's case.
- (2) The issuing authority may send the certificate (with any other documents appearing to the authority to be relevant) to the appropriate judge with a view to obtaining the issue of a warrant under subsection (3).
- (3) The appropriate judge may, on receiving the certificate, issue a warrant for the arrest of the person concerned if the judge is satisfied that there are reasonable grounds for believing that the person falls within section 4A(3).
- (4) The warrant may be executed anywhere in the United Kingdom by any designated person (and it is immaterial whether or not he is in possession of the warrant or a copy of it).
- (5) A person arrested under this section shall, as soon as is practicable—
  - (a) be given a copy of the warrant for his arrest; and
  - (b) be brought before the appropriate judge.
- (6) The appropriate judge may order that a person before him who is the subject of a certificate under this section is to be detained from the time the order is made until the end of the period of seven days beginning with the day after that on which the order is made.
- (7) The purpose of an order under subsection (6) is to secure the detention of the person concerned while—

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

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- (a) written confirmation is obtained from a representative of the country or territory concerned of the details of his case;
  - (b) it is established whether he is a person falling within section 4A(3); and
  - (c) any application for an order under section 4E(6) is made in respect of him.
- (8) Subject to subsection (9), a person detained under such an order may be released at any time during the period mentioned in subsection (6) and shall be released at the end of that period (if not released sooner).
- (9) Subsection (8) ceases to apply to the detained person if, during that period, an order under section 4E is made in respect of him.
- (10) It is immaterial for the purposes of subsection (6) whether or not the person concerned has previously been arrested under this section.]

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#### Textual Amendments

- F1** Ss. 4D-4F and cross-heading inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008](#) (c. 4), **ss. 95**, 153(7); S.I. 2008/1586, art. 2(1), Sch. 1 para. 39
- F2** Words in s. 4D(1) 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. 7** (with arts. 28-31)

**Changes to legislation:**

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