



Repatriation of Prisoners Act 1984

1984 CHAPTER 47

[^{F1}Persons believed to fall within section 4A(3): powers of arrest and detention

[^{F1}4E Arrest and detention with a view to determining whether to issue a warrant under section 4A

- (1) The Secretary of State or the Scottish Ministers [^{F2}or the Department of Justice in Northern Ireland] may issue a certificate stating that the issuing authority—
 - (a) considers that a person in the United Kingdom is a person falling within section 4A(3), and
 - (b) has received written confirmation from a representative of the country or territory concerned of the details of that person's case;and it is immaterial for the purposes of this section whether or not the person concerned has been previously arrested or detained under section 4D.
- (2) The issuing authority may send the certificate (with a copy of the written confirmation mentioned in subsection (1)(b) and any other documents appearing to that 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 that person 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, on the application of the Secretary of State or the Scottish Ministers [^{F3}or the Department of Justice in Northern Ireland], order that a person before the judge who—

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

- (a) is the subject of a certificate under this section, and
 (b) the judge is satisfied is a person falling within section 4A(3),
 shall be detained from the time the order is made until the end of the period of fourteen 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 until—
- (a) it is determined whether to issue a warrant under section 4A; and
 (b) if so determined, such a warrant is issued.
- (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, a warrant under section 4A is issued in respect of him.
- (10) It is immaterial for the purposes of subsection (6) whether or not the person concerned has previously been arrested or detained under section 4D or arrested under this section.]

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. 4E(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. 8(a)** (with arts. 28-31)
- F3** Words in s. 4E(6) 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. 8(b)** (with arts. 28-31)

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