



# Repatriation of Prisoners Act 1984

## 1984 CHAPTER 47

### *[<sup>F1</sup>Supplementary and general provisions]*

#### **Textual Amendments**

- F1** S. 5 cross-heading inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 15](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

#### **5 Operation of warrant and retaking prisoners.**

- (1) Where a warrant has been issued [<sup>F2</sup>under section 1] the following provisions of this section [<sup>F3</sup>(apart from subsection (9))] shall have effect for the purposes of the warrant, except (without prejudice to section 3(4) above or any enactment contained otherwise than in this Act) in relation to any time when the prisoner is required to be detained in accordance with provisions contained in the warrant by virtue of section 3(1)(c) above.
- (2) The prisoner shall be deemed to be in the legal custody of the [<sup>F4</sup>relevant Minister] at any time when, being in the United Kingdom or on board a British ship, a British aircraft or a British hovercraft, he is being taken under the warrant to or from any place, or being kept in custody under the warrant.
- (3) The [<sup>F4</sup>relevant Minister] may, from time to time, designate any person as a person who is for the time being authorised for the purposes of the warrant to take the prisoner to or from any place under the warrant, or to keep the prisoner in custody under the warrant.
- (4) A person authorised by or for the purposes of the warrant to take the prisoner to or from any place or to keep the prisoner in custody shall have all the powers, authority, protection and privileges—
  - (a) of a constable in any part of the United Kingdom in which that person is for the time being; or
  - (b) if he is outside the United Kingdom, of a constable in the part of the United Kingdom to or from which the prisoner is to be taken under the warrant.

---

*Status: Point in time view as at 14/07/2008.*

---

*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Cross Heading: Supplementary and general provisions. (See end of Document for details)*

---

(5) If the prisoner escapes or is unlawfully at large, he may be arrested without warrant by a constable and taken to any place to which he may be taken under the warrant under this Act.

(6) In subsection (2) above—

“British aircraft” means a British-controlled aircraft within the meaning of section 92 of the <sup>M1</sup>Civil Aviation Act 1982 (application of criminal law to aircraft), or one of Her Majesty’s aircraft;

“British hovercraft” means a British-controlled hovercraft within the meaning of the said section 92 as applied in relation to hovercraft by virtue of provision made under the <sup>M2</sup>Hovercraft Act 1968, or one of Her Majesty’s hovercraft; and

“British ship” means a British ship within the meaning of the <sup>M3</sup>[<sup>F5</sup>Merchant Shipping Act 1995], or one of Her Majesty’s ships;

and in this subsection reference to Her Majesty’s aircraft, hovercraft or ships are references to the aircraft, hovercraft or, as the case may be, ships which belong to, or are exclusively employed in the service of, Her Majesty in right of the government of the United Kingdom.

(7) In subsection (5) above “constable”, in relation to any part of the United Kingdom, means any person who is a constable in that or any other part of the United Kingdom or any person who, at the place in question has, under any enactment (including subsection (4) above), the powers of a constable in that or any other part of the United Kingdom.

[<sup>F6</sup>(8) In this section “relevant Minister” means—

- (a) the Scottish Ministers where the warrant provides for the transfer of a prisoner to or from Scotland; and
- (b) the Secretary of State in any other case.]

[<sup>F7</sup>(9) Where—

- (a) a warrant under section 4A has been issued, and
  - (b) the relevant person is a person to whom subsection (3) of that section applies,
- subsections (2) to (8) above apply for the purposes of that warrant (but with the modifications contained in subsection (10)), except (without prejudice to section 4C(4) or any enactment contained otherwise than in this Act) in relation to any time when the relevant person is required to be detained in accordance with provisions contained in the warrant by virtue of section 4C(1)(b).

(10) In their application for the purposes of a warrant under section 4A those subsections shall have effect as if—

- (a) any reference to the warrant under section 1 (however expressed) were a reference to the warrant under section 4A;
- (b) any reference to the prisoner were a reference to the relevant person;
- (c) in subsection (4)—
  - (i) in paragraph (a) for “that person” there were substituted “ the authorised person ”; and
  - (ii) paragraph (b) were omitted; and
- (d) in subsection (8)(a) for “transfer of a prisoner to or from Scotland” there were substituted “ transfer of responsibility for the detention and release of the relevant person to the Scottish Ministers ”.]

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Cross Heading: Supplementary and general provisions. (See end of Document for details)*

### Textual Amendments

- F2** Words in s. 5(1) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 16\(2\)\(a\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F3** Words in s. 5(1) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 16\(2\)\(b\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F4** Words in s. 5(2)(3) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. 1 para. 75\(6\)\(a\)](#)
- F5** S. 5(6): words in definition of “British ship” substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), [Sch. 13 para. 73](#) (with s. 312(1))
- F6** S. 5(8) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. 1 para. 75\(6\)\(b\)](#)
- F7** S. 5(9)(10) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 16\(3\)](#); 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\(1\)-\(10\)](#)

### Marginal Citations

- M1** 1982 c. 16.  
**M2** 1968 c. 59.  
**M3** 1995 c. 21.

## 6 Revocation etc. of warrants.

- (1) Subject to section 1(4) above, if at any time it appears to the [<sup>F8</sup>relevant Minister] appropriate, in order that effect may be given to any such arrangements as are mentioned in section 1(1)(a) above or in a case falling within section 1(2) above, for a [<sup>F9</sup>warrant under section 1] to be revoked or varied, he may, as the case may require—
- revoke that warrant; or
  - revoke that warrant and issue a new warrant under [<sup>F10</sup>that section] containing provision superseding some or all of the provisions of the previous warrant.

- [<sup>F11</sup>(1A) Subject to section 4A(8), if at any time it appears to the relevant Minister appropriate, in order that effect may be given to any such arrangements as are mentioned in section 4A(5)(a) for a warrant under section 4A to be revoked or varied, he may as the case may require—
- revoke that warrant; or
  - revoke that warrant and issue a new warrant under section 4A containing provision superseding some or all of the provisions of the previous warrant.]

- (2) Subject to subsection (3)(c) below, the provision that may be contained in a new warrant issued by virtue of subsection (1)(b) [<sup>F12</sup> or (1A)(b)] above shall be any provision that could have been contained in the previous warrant.

- (3) A new warrant issued by virtue of subsection (1)(b) [<sup>F13</sup> or (1A)(b)] above may provide—
- that a provision contained in it is to be treated as having taken effect when the provisions which that provision supersedes took effect;
  - that things done under or for the purposes of the superseded provisions are, accordingly, to be treated as having been done under or for the purposes of the provision contained in the new warrant; and

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Cross Heading: Supplementary and general provisions. (See end of Document for details)*

- (c) that an enactment in force at the time the new warrant is issued is, for the purposes of subsection (2) above or this subsection, to be treated as having been in force when the superseded provisions took effect.
- (4) The powers conferred by this section shall be exercisable notwithstanding any defect in the warrant which is revoked.
- [<sup>F14</sup>(5) In this section “relevant Minister” means—
- (a) the Scottish Ministers [<sup>F15</sup>in a case where—
- (i) the warrant was issued under section 1 and provides for the transfer of the prisoner to or from Scotland; or
- (ii) the warrant was issued under section 4A and provides for the transfer of responsibility for the detention and release of the relevant person to those Ministers;]
- (b) the Secretary of State in any other case.]

#### Textual Amendments

- F8** Words in s. 6(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 75(7)(a)**
- F9** Words in s. 6(1) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 17(2)(a)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F10** Words in s. 6(1)(b) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 17(2)(b)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F11** S. 6(1A) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 17(3)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F12** Words in s. 6(2) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 17(4)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F13** Words in s. 6(3) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 17(4)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F14** S. 6(5) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 75(7)(b)**
- F15** Words in s. 6(5)(a) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 26 para. 17(5)**; S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)

#### Modifications etc. (not altering text)

- C2** 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)**

## 7 Expenses.

- (1) Subject to subsection (2) below, any expenses incurred by the Secretary of State for the purposes of this Act shall be defrayed out of money provided by Parliament.
- (2) Subject to subsections (3) and (4) below, it shall be the duty of the [<sup>F16</sup>relevant Minister], in the case of the transfer of a person into the United Kingdom under this Act, to secure the payment to him by that person, or from some other source, of the amount of any expenses incurred by him in connection with the conveyance of that person to the United Kingdom; and for this purpose the [<sup>F16</sup>relevant Minister] shall have the same power as in any other case where he assists the return of a person to the United Kingdom to require a person to give an undertaking to pay the [<sup>F16</sup>relevant Minister] the whole or any part of that amount, to enforce such an undertaking and to make such other arrangements for recovering that amount as he thinks fit.

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Cross Heading: Supplementary and general provisions. (See end of Document for details)*

(3) Subsection (2) above shall not apply to the extent that in any case it appears to the [<sup>F16</sup>relevant Minister] that it would be unreasonable for him to exercise any of the powers conferred by that subsection either because of the exceptional circumstances of the case or because the means of the prisoner are insufficient to meet the expenses and their recovery, whether immediately or at some future time, from the prisoner or from any other source is impracticable.

[<sup>F17</sup>(3A) In subsections (2) and (3) above, “relevant Minister” means—

- (a) the Scottish Ministers where the transfer is to Scotland; and
- (b) the Secretary of State in any other case.]

(4) The expenses mentioned in subsections (2) and (3) above shall not include—

- (a) any expenses of providing an escort for a person transferred into the United Kingdom under this Act; or
- (b) any expenses of the conveyance of such a person beyond the place at which he first arrives in the United Kingdom.

(5) The Secretary of State shall pay any sums received by him by virtue of subsection (2) above into the Consolidated Fund.

[<sup>F18</sup>(5A) The Scottish Ministers shall pay any sums received by them by virtue of subsection (2) above into the Scottish Consolidated Fund.]

#### Textual Amendments

**F16** Words in s. 7(2)(3) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. 1 para. 75(8)(a)

**F17** S. 7(3A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. 1 para. 75(8)(b)

**F18** S. 7(5A) inserted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. 1 para. 75(8)(c)

#### Modifications etc. (not altering text)

**C3** 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)

## 8 Interpretation and certificates.

(1) In this Act, except in so far as the context otherwise requires—

[<sup>F19</sup>“enactment” includes an enactment comprised in, or in an instrument under, an Act of the Scottish Parliament;]

“international arrangements” includes any arrangements between the United Kingdom and a colony;

“order” includes any sentence, direction, warrant or other means of giving effect to the decision of a court or tribunal; and

“the prisoner” has the meaning given by section 1(1)(b) above [<sup>F20</sup>]; and

“the relevant person” has the meaning given by section 4A(5)(b).]

(2) In this Act a reference to criminal jurisdiction, in relation to a court or tribunal in a country or territory outside the British Islands, includes a reference to any jurisdiction which would be a criminal jurisdiction but for the age or incapacity of the persons in respect of whom it is exercised.

(3) In any proceedings, the certificate of the [<sup>F21</sup>relevant Minister]—

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Cross Heading: Supplementary and general provisions. (See end of Document for details)*

- (a) that a particular country or territory is a party to any such international arrangements as are mentioned in section 1(1)(a) [<sup>F22</sup> or 4A(5)(a)] above,
  - (b) that the appropriate authority of a country or territory which is [<sup>F23</sup> a party to such international arrangements as are mentioned in section 1(1)(a)] has agreed to the transfer of a particular person in accordance with any such arrangements,
  - [<sup>F24</sup>(ba) that the appropriate authority of a country or territory which is a party to such international arrangements as are mentioned in section 4A(5)(a) has agreed to the transfer of responsibility for the detention and release of a particular person in accordance with those arrangements,] or
  - (c) that, for the purposes of any provision of this Act, a particular person is or represents the appropriate authority of any country or territory,
- shall be conclusive of the matter certified.

[<sup>F25</sup>(4) In subsection (3) above, “relevant Minister” means—

- (a) the Scottish Ministers where the proceedings relate to a transfer which they have the responsibility under this Act to make or consider making; and
- (b) the Secretary of State in any other case.]

#### Textual Amendments

- F19** Words in s. 8(1) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 96\(3\), 153\(7\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 40
- F20** Words in s. 8(1) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 18\(2\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F21** Words in s. 8(3) substituted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. 1 para. 75\(9\)\(a\)](#)
- F22** Words in s. 8(3)(a) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 18\(3\)\(a\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F23** Words in s. 8(3)(b) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 18\(3\)\(b\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F24** S. 8(3)(ba) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 26 para. 18\(3\)\(c\)](#); S.I. 2008/1586, art. 2(1), Sch. 1 para. 48(g)
- F25** S. 8(4) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. 1 para. 75\(9\)\(b\)](#)

#### Modifications etc. (not altering text)

- C4** 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\(10\)](#)

## 9 Short title, commencement and extent.

- (1) This Act may be cited as the Repatriation of Prisoners Act 1984.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) This Act extends to Northern Ireland.
- (4) Her Majesty may by Order in Council make provision for extending the provisions of this Act, with such exceptions, adaptations and modifications as may be specified in the Order, to any of the Channel Islands, to the Isle of Man or to any colony.

---

**Status:** Point in time view as at 14/07/2008.

**Changes to legislation:** There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Cross Heading: Supplementary and general provisions. (See end of Document for details)

---

**Modifications etc. (not altering text)**

- C5** Power of appointment conferred by s. 9(2) fully exercised: 15.4.1985 appointed by S.I. 1985/550
- C6** S. 9(4) extended (31.7.1998) by 1998 c. 37, s. **121(12)**
- C7** S. 9(4) modified (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **152(8)**, 153(1)(g)

**Status:**

Point in time view as at 14/07/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984,  
Cross Heading: Supplementary and general provisions.