



# 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.

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(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; <sup>F7</sup>...

[ the Department of Justice in Northern Ireland where the warrant provides for <sup>F8</sup>(aa) the transfer of a prisoner to or from Northern Ireland; and]

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

[<sup>F9</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; <sup>F10</sup> ...

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- (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” <sup>F11</sup>; and]
- <sup>F11</sup>(e) [ in subsection (8)(aa) for “transfer of a prisoner to or from Northern Ireland” there were substituted “transfer of responsibility for the detention and release of the relevant person to the Department of Justice]]

#### 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. I 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. I para. 75(6)(b)**
- F7** Word in s. 5(8)(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. 10(2)(a)** (with arts. 28-31)
- F8** S. 5(8)(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. 10(2)(b)** (with arts. 28-31)
- F9** 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)
- F10** Word in s. 5(10) 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. 10(3)** (with arts. 28-31)
- F11** S. 5(10)(e) and preceding word 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. 10(3)** (with arts. 28-31)

#### 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>F12</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>F13</sup>warrant under section 1] to be revoked or varied, he may, as the case may require—
- (a) revoke that warrant; or
- (b) revoke that warrant and issue a new warrant under <sup>F14</sup>that section] containing provision superseding some or all of the provisions of the previous warrant.

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- [<sup>F15</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—
- (a) revoke that warrant; or
  - (b) 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>F16</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>F17</sup> or (1A)(b)] above may provide—
- (a) that a provision contained in it is to be treated as having taken effect when the provisions which that provision supersedes took effect;
  - (b) 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
  - (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>F18</sup>(5) In this section “relevant Minister” means—
- (a) the Scottish Ministers [<sup>F19</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;]
  - [<sup>F20</sup>(aa) the Department of Justice in Northern Ireland in a case where—
    - (i) the warrant was issued under section 1 and provides for the transfer of the prisoner to or from Northern Ireland; 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 the Department of Justice;]
  - (b) the Secretary of State in any other case.]

#### Textual Amendments

- F12** Words in s. 6(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 75(7)(a)**
- F13** 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)
- F14** 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)
- F15** 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)

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- F16** 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)
- F17** 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)
- F18** S. 6(5) inserted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. 1 para. 75(7)(b)**
- F19** 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)
- F20** S. 6(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. 11** (with arts. 28-31)

**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)**

**[<sup>F21</sup>6A Transit**

- (1) The relevant Minister may issue a transit order where—
- (a) the United Kingdom is a party to international arrangements providing for the transfer between the United Kingdom and a country or territory outside the British Islands of persons to whom subsection (2) applies; and
  - (b) the relevant Minister has received a request from the appropriate authority of that country or territory in accordance with those arrangements for the transit of a person to whom subsection (2) applies through a part of Great Britain.
- (2) A person falls within this subsection if—
- (a) that person is for the time being required to be detained in a prison, a hospital or any other institution either—
    - (i) by virtue of an order made in the course of the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction; or
    - (ii) by virtue of any provisions of the law of such a country or territory which are similar to any of the provisions of this Act; and
  - (b) except in a case where a transit request is made in the circumstances described in section 6D (1), that person is present in a country or territory outside the British Islands.
- (3) The relevant Minister may issue a transit order where—
- (a) international arrangements apply to any of the Channel Islands or the Isle of Man which provide for the transfer between that island and a country or territory outside the British Islands of persons to whom subsection (4) applies; and
  - (b) the relevant Minister has received a request from the appropriate authority of that island for the transit of a person to whom subsection (4) applies through a part of Great Britain.
- (4) A person falls within this subsection if—
- (a) that person is for the time being required to be detained in a prison, a hospital or any other institution either—
    - (i) by virtue of an order made in the course of the exercise of its criminal jurisdiction by a court or tribunal in the island from which the transit request is made; or

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- (ii) by virtue of any provisions of the law of that island which are similar to any of the provisions of this Act; and
  - (b) except in a case where a transit request is made in the circumstances described in section 6D(1), that person is present in that island.
- (5) Terms used in subsection (2)(a) or (4)(a) have the same meaning as in section 1(7).
- (6) In this section and sections 6B, 6C and 6D “transit order” means an order issued by the relevant Minister, in respect of a person who has been the subject of a request within subsection (1)(b) or (3)(b), which authorises the detention of that person in any part of Great Britain at any time when that person is in transit.
- (7) In subsection (6) “detention” includes detention while the person is being taken from one place to another place within Great Britain.
- (8) A person may be detained pursuant to a transit order only for as long as is reasonable and necessary to allow the transit to take place.
- (9) In this section and section 6B “relevant Minister” means—
- (a) the Scottish Ministers, in a case where it is proposed that the person who is the subject of a request under subsection (1)(b) or (3)(b) will, whilst in transit—
    - (i) be present only in Scotland, or
    - (ii) arrive in Scotland before being taken to another part of Great Britain;
  - (b) the Secretary of State, in any other case.
- (10) For the purposes of this section and sections 6B and 6C a person who is the subject of a transit order is “in transit” at any time during the period beginning with the arrival of that person in Great Britain and ending with the removal of that person from Great Britain.]

#### Textual Amendments

**F21** Ss. 6A-6D inserted (E.W.S.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 131(1), 151(1)**; S.I. 2012/2906, art. 2(f)

#### [<sup>F21</sup>6B Transit: supplementary

- (1) A person who is the subject of a transit order is deemed to be in the legal custody of the relevant Minister at any time when that person is in transit.
- (2) A constable may for the purposes of a transit order detain a person who is the subject of that order.
- (3) The relevant Minister may, from time to time, designate any person as a person who is for the time being authorised for the purposes of a transit order to detain a person under the order.
- (4) A person authorised under subsection (3) has all the powers, authority, protection and privileges of a constable in any part of Great Britain in which the person who is the subject of the transit order is for the time being.
- (5) If a person who is the subject of a transit order escapes or is unlawfully at large, that person may be arrested without warrant by a constable.

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- (6) A constable may search a person who is the subject of a transit order, and any item in the possession of that person, for any item which that person might use—
  - (a) to cause physical injury to that person or to any other person; or
  - (b) to assist that person to escape from detention.
- (7) The power conferred by subsection (6) does not authorise a constable to require a person to remove any clothing other than an outer coat, jacket, headgear or gloves.
- (8) The power conferred by subsection (6) includes power to use reasonable force where necessary.
- (9) A constable searching a person in the exercise of the power conferred by subsection (6) may seize any item found if the constable has reasonable grounds for believing that the person searched might use the item —
  - (a) to cause physical injury to that person or to any other person; or
  - (b) to assist that person to escape from detention.
- (10) Any item seized from a person under subsection (9) may be retained while that person is in transit.
- (11) In this section “constable” means—
  - (a) any person who is a constable in any part of Great Britain or who has, under any enactment (including subsection (4) above), the powers of a constable in any part of Great Britain, or
  - (b) any person who is a prison officer within the meaning of section 117(1) of the Criminal Justice and Public Order Act 1994.
- (12) A person who is a constable by virtue of subsection (11)(a) has, for the purposes of section 6A, this section and section 6C, all the powers, authority, protection and privileges of a constable in any part of Great Britain in which a person who is the subject of a transit order is for the time being.]

#### Textual Amendments

**F21** Ss. 6A-6D inserted (E.W.S.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 131(1)**, 151(1); S.I. 2012/2906, art. 2(f)

#### [<sup>F21</sup>6C Transit through different parts of Great Britain

- (1) Where the Scottish Ministers issue a transit order and it is proposed that the person who is the subject of the order will be taken to a part of Great Britain other than Scotland whilst in transit, they must notify the Secretary of State.
- (2) The Scottish Ministers need not notify the Secretary of State where the Secretary of State has agreed in writing to the transit order.
- (3) Unless the Secretary of State agrees in writing to the transit order, that order authorises the detention of the person subject to it in Scotland only.
- (4) But where the person escapes or is unlawfully at large, the order also authorises—
  - (a) the arrest of the person under section 6B(5) in a part of Great Britain other than Scotland, and



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- (b) the detention of the person in that part by a constable (within the meaning of that section) for the purpose of taking the person to Scotland.
- (5) Where the Secretary of State issues a transit order and it is proposed that the person who is the subject of the order will be taken to Scotland whilst in transit, the Secretary of State must notify the Scottish Ministers.
- (6) The Secretary of State need not notify the Scottish Ministers where the Scottish Ministers have agreed in writing to the transit order.
- (7) Unless the Scottish Ministers agree in writing to the transit order, that order authorises the detention of the person subject to it only in a part of Great Britain other than Scotland.
- (8) But where the person escapes or is unlawfully at large, the order also authorises—
  - (a) the arrest of the person under section 6B(5) in Scotland, and
  - (b) the detention of the person in Scotland by a constable (within the meaning of that section) for the purpose of taking the person to a part of Great Britain other than Scotland.]

#### Textual Amendments

**F21** Ss. 6A-6D inserted (E.W.S.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 131(1), 151(1)**; S.I. 2012/2906, art. 2(f)

#### [<sup>F21</sup>6D Transit: unscheduled arrivals

- (1) This section applies where—
  - (a) a person is being transferred between two countries or territories outside the United Kingdom in accordance with international arrangements between those two countries or territories providing for the transfer of persons within section 6A(2)(a) or (4)(a),
  - (b) the United Kingdom is a party to international arrangements of the kind mentioned in section 6A(1)(a) with at least one of those countries or territories such that the country or territory can make a request under section 6A(1)(b), and
  - (c) the person makes an unscheduled arrival in Great Britain.
- (2) A constable may detain a person to whom subsection (1) applies until the expiry of the period of 72 hours beginning with the person's arrival in Great Britain or until a transit order is issued under section 6A in respect of that person, whichever is the sooner.
- (3) In this section “constable” means any person who is a constable in any part of Great Britain or who has, under any enactment (including section 6B(4) above), the powers of a constable in any part of Great Britain.
- (4) A person who is a constable by virtue of subsection (3) has for the purposes of this section all the powers, authority, protection and privileges of a constable in the part of Great Britain in which the person mentioned in subsection (2) is for the time being.]



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### Textual Amendments

**F21** Ss. 6A-6D inserted (E.W.S.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 131\(1\), 151\(1\)](#); S.I. 2012/2906, art. 2(f)

## 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>F22</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>F22</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>F22</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.
  - (3) Subsection (2) above shall not apply to the extent that in any case it appears to the [<sup>F22</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>F23</sup>(3A) In subsections (2) and (3) above, “relevant Minister” means—
- (a) the Scottish Ministers where the transfer is to Scotland; <sup>F24</sup>...
  - [<sup>F25</sup>(aa) the Department of Justice in Northern Ireland where the transfer is to Northern Ireland; 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>F26</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

**F22** Words in s. 7(2)(3) substituted (1.7.1999) by [S.I. 1999/1820](#), art. 4, [Sch. 2 Pt. I para. 75\(8\)\(a\)](#)

**F23** S. 7(3A) inserted (1.7.1999) by [S.I. 1999/1820](#), art. 4, [Sch. 2 Pt. I para. 75\(8\)\(b\)](#)

**F24** Word in s. 7(3A)(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. 12\(a\)](#) (with arts. 28-31)

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**F25** S. 7(3A)(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. 12(b)** (with arts. 28-31)

**F26** S. 7(5A) inserted (1.7.1999) by [S.I. 1999/1820](#), art. 4, **Sch. 2 Pt. I 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>F27</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>F28</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>F29</sup>relevant Minister]—

(a) that a particular country or territory is a party to any such international arrangements as are mentioned in section 1(1)(a) [<sup>F30</sup> or 4A(5)(a)] above,

(b) that the appropriate authority of a country or territory which is [<sup>F31</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>F32</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>F33</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; <sup>F34</sup>...

[<sup>F35</sup>(aa) the Department of Justice in Northern Ireland where the proceedings relate to a transfer which it has the responsibility under this Act to make or consider making; and]

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

*Status: Point in time view as at 03/12/2012.*

*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

- F27** 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
- F28** 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)
- F29** Words in s. 8(3) substituted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 75\(9\)\(a\)](#)
- F30** 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)
- F31** 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)
- F32** 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)
- F33** S. 8(4) inserted (1.7.1999) by S.I. 1999/1820, art. 4, [Sch. 2 Pt. I para. 75\(9\)\(b\)](#)
- F34** Word in s. 8(4)(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. 13\(a\)](#) (with arts. 28-31)
- F35** S. 8(4)(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. 13\(b\)](#) (with arts. 28-31)

### 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\(10\)](#)

## [<sup>F36</sup>8A Northern Ireland: national security

- (1) The Secretary of State may, by virtue of this subsection, make an agreement under section 1(1)(b) or 4A(5)(b) if—
  - (a) the agreement is one that could be made by the Department of Justice in Northern Ireland by virtue of section 1(9)(aa) or 4A(10)(aa), and
  - (b) the Secretary of State's decision to make the agreement is arrived at (wholly or partly) on the basis of protected information.
- (2) Subject to subsection (3), if the Secretary of State makes an agreement by virtue of subsection (1) in any case, in this Act references to the relevant Minister are to be read, for that case, as references to the Secretary of State (and the definitions of "relevant Minister" are to be read accordingly).
- (3) In the case of an agreement under section 4A(5)(b), subsection (2) does not apply to—
  - (a) the references in sections 4A(1) and 4B(1);
  - (b) the last two references in section 4A(5);
  - (c) the second reference in section 4A(6);
  - (d) the first reference in section 4C(1);
  - (e) the reference in paragraph 9 of the Schedule.
- (4) The Secretary of State may notify the Department of Justice that no agreement is to be made under section 1(1)(b) or 4A(5)(b) in relation to a particular person without the Secretary of State's agreement; and the Department may not make such an agreement in relation to that person without the Secretary of State's agreement.
- (5) But the Secretary of State may give a notification or refuse his agreement only if his decision to do so is arrived at (wholly or partly) on the basis of protected information.

*Status: Point in time view as at 03/12/2012.*

*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)*

- (6) In this section “protected information” means information the disclosure of which may, in the opinion of the Secretary of State, be against the interests of national security.]

#### Textual Amendments

- F36** S. 8A 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. 14** (with arts. 28-31)

## 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) [<sup>F37</sup>Subject to subsection (3A), ] This Act extends to Northern Ireland.

[<sup>F38</sup>(3A) Sections 3A and 6A to 6D extend to England and Wales and Scotland only.]

- (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.

#### Textual Amendments

- F37** Words in s. 9(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 131(2)(a)**, 151(1); S.I. 2012/2906, art. 2(f)
- F38** S. 9(3A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 131(2)(b)**, 151(1); S.I. 2012/2906, art. 2(f)

#### 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)
- C8** S. 9(4) extended (1.5.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 151(2)(c)**, **153(1)**

**Status:**

Point in time view as at 03/12/2012.

**Changes to legislation:**

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