



Repatriation of Prisoners Act 1984

1984 CHAPTER 47

3 Transfer into the United Kingdom.

- (1) The effect of a warrant providing for the transfer of the prisoner into the United Kingdom shall be to authorise—
 - (a) the bringing of the prisoner into the United Kingdom from a place outside the United Kingdom;
 - (b) the taking of the prisoner to such place in any part of the United Kingdom, being a place at which effect may be given to the provisions contained in the warrant by virtue of paragraph (c) below, as may be specified in the warrant; and
 - (c) the detention of the prisoner in any part of the United Kingdom in accordance with such provisions as may be contained in the warrant, being provisions appearing to the [^{F1}relevant Minister] to be appropriate for giving effect to the international arrangements in accordance with which the prisoner is transferred.
- (2) Subject to section 4(2) to (4) below, a provision shall not be contained by virtue of subsection (1)(c) above in a warrant under this Act 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 prisoner 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) above.
- (3) In determining for the purposes of paragraph (c) of subsection (1) above what provisions are appropriate for giving effect to the international arrangements mentioned in that paragraph, the [^{F1}relevant Minister] shall, to the extent that it appears to him consistent with those arrangements to do so, have regard to the inappropriateness of the warrant's containing provisions which—

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- (a) are equivalent to more than the maximum penalties (if any) that may be imposed on a person who, in the part of the United Kingdom in which the prisoner is to be detained, commits an offence corresponding to that in respect of which the prisoner is required to be detained in the country or territory from which he is to be transferred; or
 - (b) are framed without reference to the length—
 - (i) of the period during which the prisoner is, but for the transfer, required to be detained in that country or territory; and
 - (ii) of so much of that period as will have been, or be treated as having been, served by the prisoner when the said provisions take effect.
- (4) Subject to subsection (6) below and the Schedule to this Act, a provision contained by virtue of subsection (1)(c) above in a warrant under this Act 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, subparagraph (ii) of subsection (2) (b) above.
- (5) A provision contained by virtue of subsection (1)(c) above in a warrant under this Act shall take effect with the delivery of the prisoner to the place specified in the warrant for the purposes of subsection (1)(b) above.
- (6) Subsection (4) above shall not confer any right of appeal on the prisoner against provisions contained by virtue of subsection (1)(c) above in a warrant under this Act.
- (7) The Schedule to this Act shall have effect, subject to section 4(4) below, with respect to the operation of certain enactments in relation to provisions contained by virtue of subsection (1)(c) above in a warrant under this Act.
- (8) For the purposes of determining whether at any particular time any such order as is mentioned in subsection (2)(b) above 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.
- [^{F2}(9) The provisions contained by virtue of subsection (1)(c) above in a warrant under this Act shall, in the case of a person who is a transferred life prisoner for the purposes of section 48 of the Criminal Justice Act 1991 [^{F3}or section 10 of the Prisoners and Criminal Proceedings (Scotland) Act 1993] (life prisoners transferred to England and Wales [^{F3}or, as the case may be, Scotland]) include provision specifying the part of his sentence which is treated by virtue of section 48^{F4} . . . as the relevant part of his sentence [^{F5}or by virtue of section 10 as the designated part of his sentence].]
- [^{F6}(10) The provisions contained by virtue of subsection (1)(c) above in a warrant under this Act shall, in the case of a prisoner to whom Article 10 of the Life Sentences (Northern Ireland) Order 2001 (life prisoners transferred to Northern Ireland) applies, include provision specifying the relevant part of his sentence within the meaning of Article 6 of that Order (duty to release certain life prisoners).]

Textual Amendments

F1 Words in s. 3(1)(c)(3) substituted (1.7.1999) by S.I. 1999/1820, art. 4, Sch. 2 Pt. I para. 75(4)

F2 S. 3(9) inserted (E.W.S.) (1.10.1993) by 1993 c. 9, s. 47(1), Sch. 5 para. 3(3) (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, art. 3(4).

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- F3** Words in s. 3(9) repealed (S.) (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), **ss. 33(1)(a)**, 89(2); S.S.I. 2003/288, art. 2, sch.
- F4** Words in s. 3(9) repealed (20.10.1997) by 1997 c. 48, s. 62(1)(2), Sch. 1 para. 10(3)(a), **Sch. 3** (with s. 33); S.I. 1997/2323, art. 3, **Sch. 1**
- F5** Words in s. 3(9) inserted (20.10.1997) by 1997 c. 48, s. 62(1), **Sch. 1 para. 10(3)(b)**(with s. 33); S.I. 1997/2323, art. 3, **Sch. 1**
- F6** S. 3(10) added (8.10.2001) by S.I. 2001/2565, **arts. 1(2), 2(3)**; S.R. 2001/337, **art. 2**

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)**
- C2** S. 3(9): by 1998 c. 37, s. 119, **Sch. 8 para. 57(a)(b)**; S.I. 1998/2327, **art. 2(2)(s)** it is provided (30.9.1998) that in s. 3(9): (a) for the words “section 48 of the Criminal Justice Act 1991 (discretionary life prisoners transferred to England and Wales)”there shall be substituted the words “section 33 of the Crime (Sentences) Act 1997 (life prisoner transferred to England and Wales)”; and (b) for the words “section 33 of the Crime (Sentences) Act 1997 (life prisoner transferred to England and Wales)”there shall be substituted the words “section 28 of that Act (duty to release certain life prisoners)”. The words referred to in each of sub-paras. (a) and (b) occur in the subsection (9) inserted in section 3 (1.10.1992) by 1991 c. 53, s. 100, **Sch. 11 para. 35(2)**; S.I. 1992/333, art. 2(2), **Sch. 2** (which inserting provision was repealed (E.W.S.) (1.10.1993) by 1993 c. 9, s. 47(3), Sch. 7 Pt. I (with s. 42, Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**)

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