

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 6: International co-operation in relation to criminal matters

New Section 4D of the Repatriation of Prisoners Act 1984: Power to arrest and detain persons suspected of falling within section 4A(3)

577. This section provides for the court to issue a warrant for a person's arrest on receipt of a certificate issued by the relevant Minister certifying that the person named is believed to be a person falling within new section 4A(3) i.e. a person unlawfully at large from a foreign prison sentence who is present in the UK, and that relevant documentation has been requested from the sentencing State concerned.
578. The court may issue the arrest warrant if the judge is satisfied that there are reasonable grounds for believing that the person falls within new section 4A(3). Under new section 4D(4), the arrest warrant may be executed anywhere within the United Kingdom, and the arrested person will be given a copy of the arrest warrant and be brought before the court as soon as practicable (new section 4D(5)).
579. The court may then remand the person in custody for a period of 7 days (new section 4D(6)) to enable the relevant Minister to obtain the appropriate papers from the sentencing jurisdiction, establish whether the person is in the UK having fled a foreign sentence and make an application under section 4E for a person's further detention (new section 4D(7)). The person must be released no later than at the end of the 7 day period (new section 4D(8)), unless the court has ordered a further period of 14 days' detention under section 4E (new section 4D(9)) or the relevant Minister has issued a warrant under section 4A transferring responsibility for the continued enforcement of the person's sentence. The court may remand the person in custody for 7 days whether or not a warrant for the person's arrest was previously issued under this section (new section 4D(10)).
580. If the appropriate papers are received, at whatever stage that happens, the relevant Minister may make an application for a further period of detention under section 4E