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STATUTORY INSTRUMENTS

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**2014 No. 3141**

**The Criminal Justice and Data Protection  
(Protocol No. 36) Regulations 2014**

**PART 1**

General

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014; and
  - (b) come into force on the day after the day on which they are made.

<sup>F1</sup>**PART 2**

Proceeds of Crime (Foreign Property and Foreign Orders)

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**Textual Amendments**

- F1** Pt. 2 revoked (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **110(2)** (with reg. 111) (as amended by [S.I. 2020/1408](#), regs. 1, 5); 2020 c. 1, Sch. 5 para. 1(1)

**PART 3**

Mutual Recognition of Financial Penalties

**Extent**

**25.** Any amendment or repeal made by Schedule 3 (mutual recognition of financial penalties: amendments of Criminal Justice and Immigration Act 2008) has the same extent as the enactment to which it relates, except that the amendment made by paragraph 9(2) of that Schedule extends to England and Wales and Northern Ireland.

**Mutual recognition of financial penalties**

**26.** Schedule 3 amends provisions of the Criminal Justice and Immigration Act 2008 <sup>M1</sup> relating to mutual recognition of financial penalties.

**Marginal Citations**

**M1** 2008 c. 4.

**F<sup>2</sup>PART 4**

Data Protection in relation to Police and Judicial Cooperation in Criminal Matters

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**Textual Amendments**

**F2** Pt. 4 omitted (25.5.2018) by virtue of [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 380** (with ss. 117, 209, 210, **Sch. 20 paras. 2, 6, 15, 43**); S.I. 2018/625, reg. 2(1)(g)

**F<sup>3</sup>PART 5**

Exchange of Information and Intelligence between Law Enforcement Authorities

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**Textual Amendments**

**F3** Pt. 5 revoked (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **43** (with regs. 42(2), 44-47) (as amended by S.I. 2020/1408, regs. 1, 15-18); 2020 c. 1, Sch. 5 para. 1(1)

**F<sup>4</sup>PART 6**

Exchange of Information Relating to Criminal Convictions

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**Textual Amendments**

**F4** Pt. 6 revoked (31.12.2020) by [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), regs. 1, **26** (with regs. 27, 28) (as amended by S.I. 2020/1408, regs. 1, 12, 13); 2020 c. 1, Sch. 5 para. 1(1)

**F<sup>5</sup>PART 7**

European Supervision Order

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### Textual Amendments

- F5** Pt. 7 omitted (31.12.2020) by virtue of [The Criminal Justice \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/780), regs. 1(1), **16(2)** (with regs. 16A, 16B) (as amended by S.I. 2020/1408, regs. 1, 48); 2020 c. 1, Sch. 5 para. 1(1)

## PART 8

### Prisoner Transfer

#### Transfer of prisoners

**114.**—(1) The Repatriation of Prisoners Act 1984 <sup>M2</sup> is amended as follows.

(2) In section 3A <sup>M3</sup> (prosecution of other offences), in subsections (1)(a) and (3)(d) (in both places), for “Great Britain” substitute “ the United Kingdom ”.

(3) In section 6A <sup>M4</sup> (transit)—

(a) in subsections (1)(b) and (3)(b), for “Great Britain” substitute “ the United Kingdom ”;

(b) in subsection (6), for “Great Britain” substitute “ the United Kingdom ”;

(c) in subsection (7), for “Great Britain” substitute “ the United Kingdom ”;

(d) in subsection (9)—

(i) in paragraph (a)(ii), for “Great Britain” substitute “ the United Kingdom ”;

(ii) after paragraph (a) insert—

“(aa) the Department of Justice in Northern Ireland, 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 Northern Ireland, or

(ii) arrive in Northern Ireland before being taken to another part of the United Kingdom;”;

(e) in subsection (10) for “Great Britain”, in both places, substitute “ the United Kingdom ”.

(4) In section 6B (transit: supplementary), in subsections (4) and (11)(a) (in both places), for “Great Britain” substitute “ the United Kingdom ”.

(5) For section 6C substitute—

#### “6C Transit through different parts of the United Kingdom

(1) Where—

(a) a transit order is issued by the Minister for one part of the United Kingdom (“jurisdiction A”), and

(b) it is proposed that the person who is the subject of the order will whilst in transit be taken to another part of the United Kingdom (“jurisdiction B”),

the Minister for jurisdiction A must notify the Minister for jurisdiction B.

(2) Notification need not be given where the Minister for jurisdiction B has agreed in writing to the transit order.

- (3) Unless the Minister for jurisdiction B agrees in writing to the transit order, the order authorises the detention of the person subject to it in jurisdiction A 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 the United Kingdom other than jurisdiction A, and
  - (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 jurisdiction A.
- (5) For the purposes of this section—
- (a) the Minister for England and Wales, is the Secretary of State,
  - (b) the Minister for Scotland is the Scottish Ministers, and
  - (c) the Minister for Northern Ireland is the Department of Justice in Northern Ireland.”
- (6) In section 6D (transit: unscheduled arrivals), in subsections (1)(c), (2), (3) (in both places) and (4), for “Great Britain” substitute “ the United Kingdom ”.
- (7) In section 8 (interpretation and certificates) <sup>M5</sup>—
- (a) in subsection (1), omit the definition of “international arrangements”, and
  - (b) after subsection (2) insert—
 

“(2A) In this Act—

    - (a) “international arrangements” includes any arrangements between the United Kingdom and a British overseas territory, and
    - (b) references to a country or territory being a party to international arrangements include references to the country or territory being required to comply with provisions of a Framework Decision of the Council of the European Union (and references to international arrangements are to be construed accordingly).”.
- (8) In section 9 <sup>M6</sup> (short title, commencement and extent)—
- (a) in subsection (3), omit “Subject to subsection (3A)”;
  - (b) omit subsection (3A).

#### Marginal Citations

- M2** 1984 c. 47.
- M3** Section 3A was inserted by the [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [section 130](#).
- M4** Sections 6A to 6D were inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 131(1).
- M5** Section 8 was amended by section 96 of, and Schedule 26 and Schedule 28 to, the Criminal Justice and Immigration Act 2008; [S.I. 1999/1820](#); and [S.I. 2010/976](#).
- M6** Section 9 was amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 131(2).

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014.