
STATUTORY INSTRUMENTS

2014 No. 3141

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

PART 8

Prisoner Transfer

Transfer of prisoners

114.—(1) The Repatriation of Prisoners Act 1984⁽¹⁾ is amended as follows.

(2) In section 3A⁽²⁾ (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⁽³⁾ (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—

“Transit through different parts of the United Kingdom

6C.—(1) Where—

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

⁽¹⁾ 1984 c. 47.

⁽²⁾ Section 3A was inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 130.

⁽³⁾ Sections 6A to 6D were inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 131(1).

- (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)(4)—
- (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(5) (short title, commencement and extent)—
- (a) in subsection (3), omit “Subject to subsection (3A)”;
 - (b) omit subsection (3A).

(4) 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.

(5) Section 9 was amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012, section 131(2).