



Repatriation of Prisoners Act 1984

1984 CHAPTER 47

[^{F1}Transfer of prisoners to or from the United Kingdom]

[^{F1}3A Prosecution of other offences

- (1) This section applies where—
 - (a) a person has been transferred into [^{F2}the United Kingdom] under a warrant under section 1, and
 - (b) the international arrangements in accordance with which the person has been transferred contain a speciality provision.
- (2) The person must not, unless a condition in subsection (3) is met—
 - (a) be prosecuted for any offence committed before the departure of that person from the country or territory from which that person has been transferred, or
 - (b) be detained or otherwise subjected to any restriction of liberty for any offence committed before the departure of that person from the country or territory from which that person has been transferred, other than the offence in respect of which the person has been transferred.
- (3) For the purposes of subsection (2), the conditions are as follows—
 - (a) the person has consented to the transfer;
 - (b) the offence is an offence which is not punishable with imprisonment or another form of detention;
 - (c) the offence is an offence in respect of which the person will not be detained in connection with the person's trial, sentence or appeal;
 - (d) the person is given an opportunity to leave [^{F3}the United Kingdom] and—
 - (i) the person does not do so before the end of the permitted period, or
 - (ii) if the person does so before the end of the permitted period, the person subsequently returns to Great Britain;
 - (e) after the transfer has taken place, the person has made a renunciation of the application of subsection (2) to the offence;
 - (f) the appropriate authority of the country or territory from which the person has been transferred consents to the prosecution of the offence.

Changes to legislation: There are currently no known outstanding effects for the Repatriation of Prisoners Act 1984, Section 3A. (See end of Document for details)

- (4) For the purpose of subsection (3)(d) the “permitted period” is 45 days starting with the day on which the person's sentence ends.
- (5) For the purpose of subsection (3)(e) a renunciation must be made before a court before which the person may be prosecuted for that offence.
- (6) In this section a “speciality provision” means a provision preventing or limiting the prosecution, detention or other restriction of liberty of the person (“P”) for any offence committed before the departure of P from the country or territory from which P has been transferred, other than for the offence in respect of which P has been transferred.]

Textual Amendments

- F1** S. 3A inserted (E.W.S.) (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 130, 151\(1\)](#); S.I. 2012/2906, art. 2(f)
- F2** Words in s. 3A(1)(a) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **114(2)**
- F3** Words in s. 3A(3)(d) substituted (3.12.2014) by [The Criminal Justice and Data Protection \(Protocol No. 36\) Regulations 2014 \(S.I. 2014/3141\)](#), regs. 1(b), **114(2)**

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