



Jersey

REPATRIATION OF PRISONERS (JERSEY) LAW 2012

Arrangement

Article

| | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1 | Interpretation..... | 3 |
| 2 | Issue of warrant for transfer of prisoner between Jersey and country or territory outside the British Islands..... | 4 |
| 3 | Effect of warrant: transfers out of Jersey..... | 6 |
| 4 | Effect of warrant: transfers into Jersey..... | 6 |
| 5 | Transfer of responsibility for detention and release of prisoner present outside the country or territory in which prisoner is required to be detained..... | 7 |
| 6 | Effect of warrant: transfer of responsibility for prisoner from the Minister..... | 9 |
| 7 | Effect of warrant: transfer of responsibility for prisoner to the Minister..... | 9 |
| 8 | Arrest and detention with a view to establishing whether a person is a prisoner convicted outside British Islands..... | 10 |
| 9 | Arrest and detention with a view to determining whether to issue a warrant under Article 5..... | 11 |
| 10 | Temporary return of a prisoner..... | 13 |
| 11 | Operation of warrant and re-taking prisoners..... | 13 |
| 12 | Revocation of warrants..... | 14 |
| 13 | Expenses of repatriation..... | 14 |
| 14 | Certificates..... | 14 |
| 15 | Regulations..... | 15 |
| 16 | Rules of Court..... | 15 |
| 17 | Citation and commencement..... | 15 |

SCHEDULE

16

OPERATION OF CERTAIN ENACTMENTS IN RELATION TO THE PRISONER

16

| | | |
|---|---------------------------------------|----|
| 1 | Application of Schedule..... | 16 |
| 2 | Interpretation..... | 16 |
| 3 | Release on licence and remission..... | 16 |
| 4 | Rehabilitation of offenders..... | 16 |

5 The States of Jersey Law 2005 17



Jersey

REPATRIATION OF PRISONERS (JERSEY) LAW 2012

A **LAW** to make provision for facilitating the transfer between Jersey and places outside the British Islands of persons for the time being detained in prisons, hospitals or other institutions by virtue of orders made in the course of the exercise by courts and tribunals of their criminal jurisdiction and for connected purposes.

Adopted by the States

9th June 2011

Sanctioned by Order of Her Majesty in Council

15th February 2012

Registered by the Royal Court

2nd March 2012

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

(1) In this Law –

“British aircraft” means a British-controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982 of the United Kingdom, as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990¹, or one of Her Majesty’s aircraft;

“British hovercraft” means a British-controlled hovercraft within the meaning of section 92 of the Civil Aviation Act 1982 of the United Kingdom, as applied in relation to hovercraft by virtue of provision made under the Hovercraft Act 1968 of the United Kingdom, or one of Her Majesty’s hovercraft;

“British ship” means a British ship, as defined in section 1 of the Merchant Shipping Act 1995 of the United Kingdom, other than a Jersey ship;

“authorized person” means a person designated an authorized person by the Minister under Article 11(2);

“Jersey ship” means a Jersey ship within the meaning of Article 2 of the Shipping (Jersey) Law 2002²;

“Minister” means the Minister for Home Affairs;

“order” includes any sentence, direction, warrant or other means of giving effect to the decision of a court or tribunal;

“prison” unless the context otherwise requires, includes a young offender institution and a remand centre;

“prisoner” means a person for the time being required to be detained in a prison, a hospital, or any other institution –

- (a) by virtue of an order made by a court or tribunal in Jersey in the course of the exercise of its criminal jurisdiction;
 - (b) by virtue of an order made by a court or tribunal in any country or territory outside the British Islands in the course of the exercise of its criminal jurisdiction; or
 - (c) under the provisions of –
 - (i) this Law,
 - (ii) the law of Jersey, or
 - (iii) the law in any country or territory outside the British Islands, which have effect with respect to the transfer between different countries and territories (or different parts of a country or territory) of persons required to be detained in prisons, hospitals or other institutions by virtue of orders made in the course of the exercise by courts and tribunals of their criminal jurisdiction.
- (2) In this Law references to international arrangements applying to Jersey are arrangements by which Jersey has expressly agreed to be bound, whether entered into between Jersey and another country or territory; or between the United Kingdom on behalf of Jersey and another country or territory.

2 Issue of warrant for transfer of prisoner between Jersey and country or territory outside the British Islands

- (1) Where –
 - (a) international arrangements apply to Jersey which provide for the transfer between Jersey and a country or territory outside the British Islands of a prisoner;
 - (b) the Minister and the appropriate authority of that country or territory have each agreed to the transfer under those arrangements of the prisoner; and
 - (c) in a case in which the terms of those arrangements provide for the prisoner to be transferred only with the prisoner’s consent, the prisoner’s consent has been given in accordance with paragraph (5),

the Minister must issue a warrant providing for the transfer of the prisoner into or out of Jersey.

-
- (2) The Minister must not issue a warrant providing for the transfer of any prisoner into Jersey unless –
 - (a) the transfer appears to the Minister to be appropriate having regard to any close ties which that person has with Jersey; or
 - (b) it appears to the Minister that the transfer is for the purpose of a temporary return of the prisoner, as described in Article 10.
 - (3) The Minister must not issue a warrant, other than one superseding an earlier warrant, unless satisfied that all reasonable steps have been taken to inform the prisoner in writing in the prisoner's own language –
 - (a) of the substance, so far as relevant to the prisoner's case, of the international arrangements governing the transfer;
 - (b) of the effect in relation to the prisoner of the warrant;
 - (c) in the case of a transfer into Jersey, of the effect of the law relating to the prisoner's detention under that warrant (including the effect of an enactment under which the prisoner is able to be released earlier than provided for by the terms of the warrant);
 - (d) in the case of a transfer out of Jersey, of the effect of so much of the law of the country or territory to which the prisoner is to be transferred as has effect with respect to transfers under those arrangements; and
 - (e) of the powers of the Minister under this Law in relation to the revocation of warrants.
 - (4) The Minister must not issue a warrant superseding an earlier warrant unless the requirements described in paragraph (3) have been fulfilled in relation to the earlier warrant.
 - (5) Where the international arrangements governing the transfer provide for a prisoner to be transferred only with the prisoner's consent the Minister must not issue a warrant unless satisfied that the prisoner's consent has been given in a manner authorized by those arrangements and was so given either –
 - (a) by the prisoner; or
 - (b) in circumstances where it appears to the Minister inappropriate by reason of the physical or mental condition or the youth of the prisoner for the prisoner to act for himself or herself, by a person appearing to the Minister to be an appropriate person to have acted on the prisoner's behalf.
 - (6) A consent given for the purposes of paragraph (1)(c) must not be capable of being withdrawn after a warrant has been issued in respect of the prisoner and, accordingly, a purported withdrawal of that consent after that time shall not affect the validity of the warrant, or of any provision which by virtue of Article 12 subsequently supersedes provisions of that warrant, or of any direction given in relation to the prisoner under Article 3(3).
 - (7) The Minister must not issue a warrant, or if the Minister has issued one, must revoke it, in any case where, before the transfer in question takes place, circumstances arise or are brought to the Minister's attention
-

which, in the Minister's opinion, make it inappropriate for the transfer to take place.

3 Effect of warrant: transfers out of Jersey

- (1) The effect of a warrant for a transfer out of Jersey shall be to authorize –
 - (a) the taking of the prisoner to a place in Jersey;
 - (b) the prisoner's removal from Jersey; and
 - (c) the prisoner's delivery at the place of arrival, from Jersey, into the custody of a person representing the appropriate authority of the country or territory to which the prisoner is to be transferred.
- (2) An order by virtue of which the prisoner is required to be detained continues to have effect after the prisoner's removal from Jersey so as to apply to the prisoner if he or she is again in Jersey at any time when under that order he or she is to be, or could be, detained.
- (3) At any time after the removal of the prisoner from Jersey, the Minister may give a direction varying the order or providing for the order to cease to have effect if the Minister considers it appropriate to do so in order to give effect to the international arrangements governing the transfer.
- (4) The power to vary the order includes power by direction –
 - (a) to provide for how any period during which the prisoner is out of Jersey is to be treated for the purposes of that order; and
 - (b) to provide for the prisoner to be treated as having been released on licence under Article 17 of the Prison (Jersey) Law 1957³.

4 Effect of warrant: transfers into Jersey

- (1) The effect of a warrant for a transfer into Jersey shall be to authorize –
 - (a) the bringing of the prisoner into Jersey from a place outside Jersey;
 - (b) the taking of the prisoner to a place in Jersey at which effect is able to be given to whatever provision the warrant contains for implementing the international arrangements under which the prisoner is being transferred; and
 - (c) the detention of the prisoner in Jersey in accordance with the provisions of the warrant, being provisions appearing to the Minister appropriate for giving effect to the international arrangements governing the transfer.
- (2) Subject to Article 10(2) to (4) any provision in the warrant described in paragraph (1) for implementing the international arrangements governing the transfer –
 - (a) must be a provision with respect to the detention of a person in a prison, a hospital or other institution; and
 - (b) must be a provision that may lawfully be contained in an order made either –
 - (i) in the course of the exercise of its criminal jurisdiction by a court in Jersey, or

-
- (ii) otherwise than by a court, but for the purpose of giving effect to such an order.
 - (3) In determining what provisions are appropriate for giving effect to the international arrangements governing the transfer, the Minister must, to the extent that appears consistent with those arrangements, have regard to the inappropriateness of the warrant's containing provisions which –
 - (a) are equivalent to more than the maximum penalties (if any) that may be imposed on a person who in Jersey commits an offence corresponding to that in respect of which the prisoner is required to be detained in the country or territory from which the prisoner 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 provisions take effect.
 - (4) Subject to paragraph (7) and the Schedule, a provision contained by virtue of paragraph (1)(c) in the warrant shall for all purposes have the same effect as the same provision contained in an order made as mentioned in paragraph (2)(b)(i) or, as the case may be, paragraph (2)(b)(ii).
 - (5) The Schedule shall have effect with regard to the operation of certain enactments in relation to provisions contained by virtue of paragraph (1)(c) in a warrant under this law.
 - (6) A provision contained in a warrant for giving effect to the international arrangements governing the transfer takes effect with the delivery of the prisoner to the place in Jersey at which effect is able to be given to the provisions of the warrant.
 - (7) Paragraph (4) shall not confer any right of appeal on the prisoner against provisions contained by virtue of paragraph (1)(c) in a warrant under this Law.

5 Transfer of responsibility for detention and release of prisoner present outside the country or territory in which prisoner is required to be detained

- (1) Where –
 - (a) international arrangements apply to Jersey which provide for the transfer between Jersey and a country or territory outside the British Islands of responsibility for the detention and release of prisoners;
 - (b) the Minister and the appropriate authority of that country or territory have each agreed under those arrangements to the transfer

of responsibility for the detention and release of a particular prisoner; and

- (c) in a case in which the terms of those arrangements provide for the transfer of responsibility to take place only with the prisoner's consent, that consent has been given in a manner authorized by those arrangements,

the Minister must issue a warrant providing for the transfer of responsibility for the detention and release of the prisoner to the Minister (where the prisoner is present in Jersey) or from the Minister (where the prisoner is present outside Jersey).

- (2) The Minister must not issue a warrant under this Article providing for the transfer of responsibility for the detention and release of a prisoner to the Minister unless –
 - (a) that prisoner is a British citizen; and
 - (b) the transfer appears to the Minister to be appropriate having regard to any close ties which that prisoner has with Jersey.
- (3) The Minister must not issue a warrant under this Article where, after the duty in paragraph (1) has arisen, circumstances arise or are brought to the Minister's attention which, in the Minister's opinion, make it inappropriate for the transfer of responsibility to take place.
- (4) The Minister must not issue a warrant under this Article (other than one superseding an earlier warrant) unless satisfied that all reasonable steps have been taken to inform the prisoner in writing in the prisoner's own language –
 - (a) of the substance, so far as relevant to the case, of the international arrangements in accordance with which it is proposed to transfer responsibility for the prisoner's detention and release;
 - (b) of the effect in relation to the prisoner of the warrant which it is proposed to issue under this Article;
 - (c) in the case where the Minister is transferring the responsibility for the detention and release of the prisoner to the appropriate authority of a country or territory outside the British Islands, of the effect in relation to the prisoner's case of so much of the law of the country or territory concerned as has effect with respect to transfers of responsibility for the prisoner's detention and release under those arrangements;
 - (d) in the case where the Minister has agreed to a prisoner being transferred to Jersey, of the effect in relation to the prisoner's case of the law applicable in Jersey relating to the prisoner's detention under that warrant and subsequent release (including the effect of any enactment under which the prisoner may be released earlier than provided for by the terms of the warrant); and
 - (e) of the powers of the Minister under Article 12.
- (5) The Minister must not issue a warrant superseding an earlier warrant under this Article unless the requirements of paragraph (4) were fulfilled in relation to the earlier warrant.
- (6) A consent given for the purposes of paragraph (1)(c) –

- (a) must have been given in accordance with Article 2(5); and
- (b) shall not be capable of being withdrawn after a warrant under this Article has been issued in respect of the prisoner, and, accordingly, a purported withdrawal of that consent after that time shall not affect the validity of the warrant, or of any provision which, by virtue of Article 12, subsequently supersedes the provisions of that warrant, or of any direction given in relation to the prisoner under Article 6(4).

6 Effect of warrant: transfer of responsibility for prisoner from the Minister

- (1) This Article applies in respect of a warrant issued under Article 5 relating to a person who is a prisoner by virtue of an order made in the course of the exercise by a court or tribunal in Jersey of its criminal jurisdiction, or any provision of this Law, and who is present in a country or territory outside the British Islands.
- (2) The effect of the warrant shall be to transfer responsibility for the detention and release of that prisoner from the Minister to the appropriate authority of the country or territory in which the prisoner is present.
- (3) The order by virtue of which the prisoner is required to be detained at the time the warrant is issued shall continue to have effect after the transfer of responsibility so as to apply to the prisoner if he or she comes to be in Jersey at any time when under that order he or she is to be, or may be, detained.
- (4) At any time after the transfer of responsibility, the Minister may give a direction varying the order or providing for the order to cease to have effect if the Minister considers it appropriate to do so in order to give effect to the international arrangements governing the transfer.
- (5) The power under paragraph (4) to vary the order includes power by direction –
 - (a) to provide for how any period during which the detention and release of the prisoner is, by virtue of the warrant, the responsibility of a country or territory outside the British Islands is to be treated for the purposes of the order; and
 - (b) to provide for the prisoner to be treated as having been released or discharged.
- (6) For the purposes of this Article the reference in paragraph (3) to the order by virtue of which a prisoner is required to be detained at the time the warrant is issued includes a reference to any subsequent order by virtue of which the prisoner continues to be required to be detained, whether or not the original order ceases to have effect.

7 Effect of warrant: transfer of responsibility for prisoner to the Minister

- (1) This Article applies in respect of a warrant issued under Article 5 relating to a person who is a prisoner by virtue of an order made in the course of

- the exercise by a court or tribunal outside Jersey of its criminal jurisdiction and who is present in Jersey.
- (2) The effect of the warrant shall be to transfer responsibility for the detention and release of that prisoner to the Minister and to authorize –
- (a) the taking of that person in custody to such place in Jersey as may be specified in the warrant, being a place at which effect may be given to the provisions contained in the warrant by virtue of subparagraph (b); and
 - (b) the detention of that person in Jersey in accordance with such provisions as may be contained in the warrant, being provisions appearing to the Minister to be appropriate for giving effect to the international arrangements in accordance with which responsibility for that person is transferred.
- (3) A provision must not be contained by virtue of paragraph (2)(b) in the warrant unless –
- (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 or tribunal in Jersey, or
 - (ii) otherwise than by a court or tribunal but for the purpose of giving effect to an order made as mentioned in clause (i).
- (4) Article 4(3) applies for determining for the purposes of paragraph (2)(b) what provisions are appropriate for giving effect to the international arrangements mentioned in that paragraph in a prisoner's case as it applies for the purposes of Article 4(1)(c) in the case of a prisoner who is to be transferred into Jersey.
- (5) A provision contained by virtue of paragraph (2)(b) in the warrant shall take effect with the delivery of the prisoner to the place specified in the warrant for the purposes of paragraph (2)(a).
- (6) For the purposes of determining whether at any particular time any such order as is mentioned in paragraph (3)(b) 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.

8 Arrest and detention with a view to establishing whether a person is a prisoner convicted outside British Islands

- (1) The Minister may issue a certificate stating that the Minister –
- (a) considers that there are reasonable grounds for believing that a person in Jersey is a prisoner by virtue of an order made in the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction; and
-

-
- (b) has requested written confirmation from the country or territory concerned of the details of that person's case.
 - (2) The Minister may send the certificate (with any other documents appearing to the Minister to be relevant) to the Magistrate with a view to obtaining the issue of a warrant under paragraph (3).
 - (3) The Magistrate may, on receiving the certificate, issue a warrant for the arrest of the person concerned if the Magistrate is satisfied that there are reasonable grounds for believing that the person is a prisoner by virtue of an order made in the exercise of its criminal jurisdiction by a court or tribunal in a country or territory outside the British Islands.
 - (4) The warrant may be executed in Jersey by any authorized person (and it is immaterial whether or not the authorized person is in possession of the warrant or a copy of it).
 - (5) A person arrested under this Article shall, as soon as is practicable –
 - (a) be given a copy of the warrant for the person's arrest; and
 - (b) be brought before the Magistrate.
 - (6) The Magistrate may order that a person before the Magistrate who is the subject of a certificate under this Article is to be detained from the time the order is made until the end of the period of 7 days beginning with the day after that on which the order is made.
 - (7) The purpose of an order under paragraph (6) is to secure the detention of the person concerned while –
 - (a) written confirmation is obtained from a representative of the country or territory concerned of the details of the person's case;
 - (b) it is established whether the person is a prisoner by virtue of an order made in the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction; and
 - (c) any application for an order under Article 9 is made in respect of that person.
 - (8) Subject to paragraph (9), a person detained under such an order may be released at any time during the period mentioned in paragraph (6) and shall be released at the end of that period (if not released sooner).
 - (9) Paragraph (8) ceases to apply to the detained person if, during that period, an order under Article 9(6) is made in respect of the person.
 - (10) It is immaterial for the purposes of paragraph 9 whether or not the person concerned has previously been arrested under this Article.

9 Arrest and detention with a view to determining whether to issue a warrant under Article 5

- (1) The Minister may issue a certificate stating that the Minister –
 - (a) considers that a person in Jersey is a prisoner by virtue of an order made in the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction; and

- (b) has received written confirmation from a representative of the country or territory concerned of the details of that person's case, and it is immaterial for the purposes of this Article whether or not the person concerned has been previously arrested or detained under Article 8.
- (2) The Minister may send the certificate (with a copy of the written confirmation mentioned in paragraph (1)(b) and any other documents appearing to the Minister to be relevant) to the Magistrate with a view to obtaining the issue of a warrant under paragraph (3).
- (3) The Magistrate may, on receiving the certificate, issue a warrant for the arrest of the person concerned if the Magistrate is satisfied that there are reasonable grounds for believing that the person is a prisoner by virtue of an order made in the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction.
- (4) The warrant may be executed anywhere in Jersey by any authorized person (and it is immaterial whether or not that person is in possession of the warrant or a copy of it).
- (5) A person arrested under this Article must, as soon as is practicable –
- (a) be given a copy of the warrant for his or her arrest; and
 - (b) be brought before the Magistrate.
- (6) The Magistrate may, on the application of the Minister, order that a person before the Magistrate who –
- (a) is the subject of a certificate under this Article; and
 - (b) the Magistrate is satisfied is a prisoner by virtue of an order made in the exercise by a court or tribunal in a country or territory outside the British Islands of its criminal jurisdiction,
- must be detained from the time the order is made until the end of the period of 14 days beginning with the day after that on which the order is made.
- (7) The purpose of an order under paragraph (6) is to secure the detention of the person concerned until –
- (a) it is determined whether to issue a warrant under Article 5; and
 - (b) if so determined, such a warrant is issued.
- (8) Subject to paragraph (9), a person detained under such an order may be released at any time during the period mentioned in paragraph (6) and must be released at the end of that period (if not released sooner).
- (9) Paragraph (8) ceases to apply to the detained person if, during that period, a warrant under Article 5 is issued in respect of him or her.
- (10) It is immaterial for the purposes of paragraph (6) whether or not the person concerned has previously been arrested or detained under Article 8 or arrested under this Article.

10 Temporary return of a prisoner

- (1) A single warrant (“a temporary return warrant”) may provide for the transfer of a prisoner both out of and into, or into and out of, Jersey if it appears to the Minister that the transfers are for the purpose of the temporary return of the prisoner either –
 - (a) from Jersey to a country or territory outside the British Islands from which the prisoner has previously been transferred into Jersey under this Law or any other enactment (“outward temporary return warrant”); or
 - (b) to Jersey from a country or territory outside the British Islands to which the prisoner has previously been transferred from Jersey under this Law (“inward temporary return warrant”).
- (2) The provisions in an outward temporary return warrant may, where the prisoner was required when that warrant was issued to be detained in accordance with provisions so contained in an earlier warrant, require the prisoner, upon returning to Jersey, to continue to be detained in accordance with those earlier provisions.
- (3) A warrant issued containing any such requirement must provide that any period in which the provisions contained in the earlier warrant had effect during which the prisoner was out of Jersey and in custody are to be treated (except to such extent as may be specified in the warrant in order that effect can be given to the international arrangements in question) as a period during which the prisoner was detained under the provisions contained in the earlier warrant.
- (4) The provisions contained in an inward temporary return warrant may require the prisoner to be detained in accordance with any order which, on the prisoner’s return to Jersey, will apply in respect of the prisoner under Article 3(2) and the Schedule shall not apply in relation to the provisions contained in such a warrant.

11 Operation of warrant and re-taking prisoners

- (1) Where a warrant has been issued under this Law, the prisoner is deemed (subject to any contrary provision in the warrant) to be in the legal custody of the Minister at any time when, being in Jersey or on board a British ship or Jersey ship, a British aircraft or a British hovercraft, the prisoner is being taken under the warrant to or from any place, or being kept in custody under the warrant.
- (2) The Minister may designate a person as an authorized person for the purposes of executing any warrant issued under this Law and for taking the prisoner to or from any place, or for keeping the prisoner in custody, under the warrant.
- (3) An authorized person has all the powers and duties of a member of the States of Jersey Police Force.
- (4) A prisoner who escapes or is unlawfully at large may be arrested and taken to any place to which the prisoner is able to be taken under the warrant.

12 Revocation of warrants

- (1) If, at any time, it appears to the Minister appropriate, in order to give effect to international arrangements providing for transfer, or because circumstances have arisen which in the Minister's opinion make it inappropriate for the transfer to take place, the Minister may, upon revoking the warrant, issue a new warrant.
- (2) A new warrant, despite any defect in the revoked warrant, may –
 - (a) contain provisions that supersede any of the provisions of the previous warrant;
 - (b) contain any provision that could have been contained in the previous warrant;
 - (c) operate so that –
 - (i) a provision in it is treated as having taken effect when the earlier provisions took effect,
 - (ii) things done under the earlier provisions are treated as having been done under the new provisions, and
 - (iii) an enactment in force when the new warrant is issued is treated as having been in force when the provisions in the earlier warrant took effect.

13 Expenses of repatriation

- (1) Any expenses incurred by the Minister in the execution of this Law are to be defrayed out of public funds.
- (2) The Minister has a duty, in the case of the transfer of a person into Jersey under this Law, to secure the payment to the Minister by that person, or from some other source, of the amount of any expenses incurred by the Minister in connection with the conveyance of that person to Jersey, and for this purpose, the Minister is empowered to require a person to give an undertaking to pay the Minister the whole or any part of that amount, to enforce such an undertaking and to make any such other arrangements for recovering that amount as a debt due to the States as the Minister thinks fit.
- (3) This duty does not apply to the extent that in any case it appears to the Minister unreasonable to exercise any of the powers conferred either because of the exceptional circumstances of the case or because the means of the prisoner are insufficient to meet the expenses, and their recovery, whether immediately or at some future time, from the prisoner or from any other source is impracticable.

14 Certificates

In any proceedings, the certificate of the Minister –

- (a) that a particular country or territory is a party to any international arrangements for the transfer of prisoners that have effect as between Jersey and that country or territory;

- (b) that the appropriate authority of any country or territory has agreed to the transfer of a particular person in accordance with any such arrangements; or
 - (c) that, for the purposes of any provision of this Law, a particular person is or represents the appropriate authority of any country or territory,
- is conclusive evidence of the matter certified.

15 Regulations

- (1) The States may make Regulations for carrying this Law into effect and in particular which –
 - (a) amend or modify enactments in relation to a prisoner transferred to or from Jersey under this Law;
 - (b) amend the Schedule; and
 - (c) amend this Law for the purpose of giving effect to any provision in a treaty or Convention to which Jersey is a party or which is intended to have effect in Jersey.
- (2) The power to make Regulations under this Law may be exercised so as to make –
 - (a) different provision for different cases and different purposes; and
 - (b) such incidental, supplementary, transitional or consequential provisions as appear to the States to be appropriate.

16 Rules of Court

The power of the Royal Court to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948⁴ and Article 29 of the Magistrate's Court (Miscellaneous Provisions) (Jersey) Law 1949⁵, shall include a power to make Rules for the purposes of this Law.

17 Citation and commencement

This Law may be cited as the Repatriation of Prisoners (Jersey) Law 2012 and shall come into force on such day or days as the States may by Act appoint.

M.N. DE LA HAYE

Greffier of the States

SCHEDULE

(Article 4(5))

OPERATION OF CERTAIN ENACTMENTS IN RELATION TO THE PRISONER**1 Application of Schedule**

This Schedule applies where a warrant is issued under this Law providing for the transfer of a prisoner into Jersey, except that it does not apply where the warrant contains provisions for the temporary return of a prisoner to Jersey.

2 Interpretation

In this Schedule “the relevant provisions” means the provisions contained in the warrant by virtue of Article 4(1)(c) of this Law or, in the case of a warrant which contains such a requirement as is referred to in Article 10(2) of this Law, the provisions in accordance with which the prisoner continues, in pursuance of that requirement, to be detained.

3 Release on licence and remission

- (1) Subject to sub-paragraph (2), in determining for the purposes of Article 17 of the Prison (Jersey) Law 1957⁶ or Rule 63 of the Prison (Jersey) Rules 2007⁷ whether the prisoner has at any time served a particular proportion or part of his or her sentence the prisoner’s sentence shall be deemed to begin with the day on which the relevant provisions take effect.
- (2) If the warrant specifies a period to be taken into account for the purposes of this paragraph, the prisoner’s sentence and the amount he or she has served shall, so far only as the question whether he or she has served a particular part of his or her sentence is concerned, be deemed to be increased by that period.

4 Rehabilitation of offenders

The relevant provisions shall be disregarded for the purposes of the application, in relation to any offence of which the prisoner was convicted in a country or territory outside the British Islands, of the Rehabilitation of Offenders (Jersey) Law 2001⁸, except Article 2(2).

5 The States of Jersey Law 2005

For the purposes of Article 8(1)(h) of the States of Jersey 2005⁹, the prisoner shall, while detained in accordance with the relevant provisions, be deemed to be detained in pursuance of the order by which, at the time of his or her transfer into Jersey, he or she was required to be detained in the country or territory from which he or she was transferred.

-
- 1 *chapter 03.805*
2 *chapter 19.885*
3 *chapter 23.775*
4 *chapter 07.770*
5 *chapter 07.595*
6 *chapter 23.775*
7 *chapter 23.775.30*
8 *chapter 08.840*
9 *chapter 16.800*