

INTRA-UK TRANSFER OF PRISONERS

Line to Take

- The revised policy on the intra-UK transfer of prisoners was announced over a year ago in November 1992. The aim of the change was to allow prisoners to serve their sentences close to their homes and families. This is consistent with best prisons practice.
- The new arrangement for extended temporary transfer was in part developed to prevent prisoners benefitting from reductions in their sentences merely by virtue of their transfer. The release of prisoners who have been temporarily transferred remains the responsibility of the "exporting" jurisdiction.
- The revised arrangements have not yet been implemented because of concerns about possible legal challenge.

If Pressed

- There is no connection between the policy on transfer of prisoners which was developed over a year ago and the recent Joint Declaration.

If Pressed on the Question of an Amnesty

- There are no political prisoners in the United Kingdom. People convicted of crimes will continue to be sentenced by the Courts. The normal arrangements for the release of prisoners will apply.

Background

1. On 23 November 1992 the Government announced the introduction of new criteria and arrangements for the transfer of prisoners between the three UK jurisdictions. The effect of these new arrangements was inter alia, to allow terrorist prisoners serving sentences in England for very serious offences to be transferred home to Northern Ireland, provided they were prepared to accept transfer on an extended temporary basis. (Movement under previous transfer arrangements had been denied because permanent transfer would have resulted in a substantial reduction in the sentence being served).
2. Subsequently prisoners in England were advised formally of the new criteria and invited to submit applications under its terms. This process and the vetting of the applications took a number of months.
3. There are now about 14 prisoners who meet the criteria. Their cases have been referred to the Home Secretary. However he is reluctant to agree their transfer and has sought advice on legal aspects of the temporary transfer arrangements.