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THE HOME SECRETARY'S OFFICE → PM

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Written Answers

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Prisoner Transfers

Sir John Wheeler: To ask the Secretary of State for the Home Department if he will make a statement on the report of the interdepartmental review of the provisions governing the transfer of prisoners between United Kingdom jurisdictions.

Mr. Peter Lloyd: I have considered the report of this review in consultation with my right hon. Friends the Secretary of State for Northern Ireland and the Secretary of State for Scotland. A copy of the report is being placed in the Library; copies are also being sent to interested organisations.

We have decided to accept in full the report's recommendations, including the need to consider how the existing legislation might be amended to overcome the present obstacles to the permanent transfer to Northern Ireland of prisoners who have their family links there but who have been convicted of serious offences in Great Britain. In the meantime we shall implement the recommendation that greater use should be made of temporary transfers, usually for extended periods, and that the criteria for considering requests should be amended.

In future, any request by a prisoner in England and Wales, Scotland and Northern Ireland to be transferred to one of the other jurisdictions either permanently, to serve the rest of his or her sentence, or temporarily to foster family ties, will normally be approved, provided that (1) the prisoner would have at least six months left to serve in the receiving jurisdiction before his or her date of release at the time of making the request; (2) the prisoner was ordinarily resident in the receiving jurisdiction prior to the current sentence; or his or her close family currently reside there and there are reasonable grounds for believing that it is the prisoner's firm intention to take up residence there on release or to receive visits and (3) both Departments concerned are reasonably satisfied that the prisoner will not, if transferred, disrupt or attempt to disrupt any prison establishment, or otherwise pose an unacceptable risk to security. A request that does not meet these conditions may nevertheless be granted where there are strong compassionate or other compelling grounds for transfer.

A permanent transfer may however be refused if it is considered that the prisoner's crimes were so serious as to make it inappropriate that he or she should benefit from a substantial reduction in time left to serve, if that would be a consequence of transfer.

Requests will continue to be considered on an individual basis. To facilitate the orderly movement of small numbers of prisoners between jurisdictions, the timing of each transfer will be subject to operational and security considerations in the sentencing and receiving jurisdictions.

Temporary transfer, where granted, may be for a period of up to 12 months, with requests for extension of this period considered on a similar basis. Temporarily transferred prisoners will be expected to comply fully with such regime requirements as the receiving Secretary of State may stipulate. Failure to agree to do so either in making the request or after transfer will normally justify refusal of the request or the immediate return of the prisoner to the sentencing jurisdiction.

My colleagues and I hope that the extended use of temporary transfer will help to alleviate the difficulties experienced by families in visiting prisoners in other jurisdictions.