



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

The extradition hearing

[^{F1}12A Absence of prosecution decision

- (1) A person's extradition to a category 1 territory is barred by reason of absence of prosecution decision if (and only if)—
 - (a) it appears to the appropriate judge that there are reasonable grounds for believing that—
 - (i) the competent authorities in the category 1 territory have not made a decision to charge or have not made a decision to try (or have made neither of those decisions), and
 - (ii) the person's absence from the category 1 territory is not the sole reason for that failure,and
 - (b) those representing the category 1 territory do not prove that—
 - (i) the competent authorities in the category 1 territory have made a decision to charge and a decision to try, or
 - (ii) in a case where one of those decisions has not been made (or neither of them has been made), the person's absence from the category 1 territory is the sole reason for that failure.
- (2) In this section “to charge” and “to try”, in relation to a person and an extradition offence, mean—
 - (a) to charge the person with the offence in the category 1 territory, and
 - (b) to try the person for the offence in the category 1 territory.]

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 12A. (See end of Document for details)*

Textual Amendments

- F1** S. 12A inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 156(2), 185(1)** (with [ss. 3, 21, 33, 42, 58, 75, 93, 156\(3\)](#)); S.I. 2014/1916, art. 2(c)

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