



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 12

EXTRADITION

Amendments of the Extradition Act 2003

161 Judge informed after extradition hearing or order that person is charged with offence or serving sentence in United Kingdom

(1) After section 36A of the Extradition Act 2003 there is inserted—

“36B Judge informed after extradition hearing that person is charged with offence in United Kingdom

- (1) This section applies if—
- (a) an order has been made for the extradition of the person in respect of whom the Part 1 warrant is issued, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The appropriate judge must order the extradition order not to be carried out until one of these occurs—
- (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;
 - (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.

Changes to legislation: *Anti-social Behaviour, Crime and Policing Act 2014, Section 161 is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (4) Rules of court may provide that where there is an appeal against the extradition order —
 - (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.

36C Judge informed after extradition hearing that person is serving sentence in United Kingdom

- (1) This section applies if—
 - (a) an order has been made for the extradition of the person in respect of whom the Part 1 warrant is issued, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is serving a sentence of imprisonment or another form of detention in the United Kingdom.
 - (2) The appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
 - (3) Rules of court may provide that where there is an appeal against the extradition order —
 - (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.”
- (2) After section 118B of that Act there is inserted—

“118C Judge informed after extradition order that person is charged with offence in United Kingdom

- (1) This section applies if—
 - (a) the Secretary of State has made an order for a person's extradition under this Part, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is charged with an offence in the United Kingdom.
- (2) The appropriate judge must order the extradition order not to be carried out until one of these occurs—
 - (a) the charge is disposed of;
 - (b) the charge is withdrawn;
 - (c) proceedings in respect of the charge are discontinued;

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- (d) an order is made for the charge to lie on the file, or in relation to Scotland, the diet is deserted *pro loco et tempore*.
- (3) If a sentence of imprisonment or another form of detention is imposed in respect of the offence charged, the appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (4) Rules of court may provide that where there is an appeal against the extradition order —
 - (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.

118D Judge informed after extradition order that person is serving sentence in United Kingdom

- (1) This section applies if—
 - (a) the Secretary of State has made an order for a person's extradition under this Part, and
 - (b) before the extradition order is carried out the appropriate judge is informed that the person is serving a sentence of imprisonment or another form of detention in the United Kingdom.
- (2) The appropriate judge may order the extradition order not to be carried out until the person is released from detention pursuant to the sentence (whether on licence or otherwise).
- (3) Rules of court may provide that where there is an appeal against the extradition order—
 - (a) a reference in this section to the appropriate judge has effect, in prescribed circumstances, as if it were a reference to the court hearing the appeal, and
 - (b) this section has effect with any other prescribed modifications.”

Commencement Information

II S. 161 in force at 21.7.2014 by [S.I. 2014/1916](#), [art. 2\(g\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(2)(ba) inserted by [2022 c. 32 Sch. 11 para. 35\(2\)\(a\)](#)