



# Anti-social Behaviour, Crime and Policing Act 2014

## 2014 CHAPTER 12

### PART 12

#### EXTRADITION

##### *Amendments of the Extradition Act 2003*

#### **159 Request for temporary transfer etc**

Before section 22 of the Extradition Act 2003 there is inserted—

##### **“21B Request for temporary transfer etc**

- (1) This section applies if—
  - (a) a Part 1 warrant is issued which contains the statement referred to in section 2(3) (warrant issued for purposes of prosecution for offence in category 1 territory), and
  - (b) at any time before or in the extradition hearing, the appropriate judge is informed that a request under subsection (2) or (3) has been made.
- (2) A request under this subsection is a request by a judicial authority of the category 1 territory in which the warrant is issued (“the requesting territory”)—
  - (a) that the person in respect of whom the warrant is issued be temporarily transferred to the requesting territory, or
  - (b) that arrangements be made to enable the person to speak with representatives of an authority in the requesting territory responsible for investigating, prosecuting or trying the offence specified in the warrant.
- (3) A request under this subsection is a request by the person in respect of whom the warrant is issued—

*Status: Point in time view as at 08/05/2017.*

**Changes to legislation:** *Anti-social Behaviour, Crime and Policing Act 2014, Section 159 is up to date with all changes known to be in force on or before 07 September 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)*

- (a) to be temporarily transferred to the requesting territory, or
  - (b) that arrangements be made to enable the person to speak with representatives of an authority in the requesting territory responsible for investigating, prosecuting or trying the offence specified in the warrant.
- (4) The judge must order further proceedings in respect of the extradition to be adjourned if the judge thinks it necessary to do so to enable the person (in the case of a request under subsection (2)) or the authority by which the warrant is issued (in the case of a request under subsection (3)) to consider whether to consent to the request.

An adjournment under this subsection must not be for more than 7 days.

- (5) If the person or authority consents to the request, the judge must—
- (a) make whatever orders and directions seem appropriate for giving effect to the request;
  - (b) order further proceedings in respect of the extradition to be adjourned for however long seems necessary to enable the orders and directions to be carried out.
- (6) If the request, or consent to the request, is withdrawn before effect (or full effect) has been given to it—
- (a) no steps (or further steps) may be taken to give effect to the request;
  - (b) the judge may make whatever further orders and directions seem appropriate (including an order superseding one made under subsection (5)(b)).
- (7) A person may not make a request under paragraph (a) or (b) of subsection (3) in respect of a warrant if the person has already given consent to a request under the corresponding paragraph of subsection (2) in respect of that warrant (even if that consent has been withdrawn).
- (8) A person may not make a further request under paragraph (a) or (b) of subsection (3) in respect of a warrant if the person has already made a request under that paragraph in respect of that warrant (even if that request has been withdrawn).
- (9) If—
- (a) a request under subsection (2) or (3) is made before a date has been fixed on which the extradition hearing is to begin, and
  - (b) the proceedings are adjourned under this section,
- the permitted period for the purposes of fixing that date (see section 8(4)) is extended by the number of days for which the proceedings are so adjourned.”

#### Commencement Information

**II** S. 159 in force at 21.7.2014 by S.I. 2014/1916, art. 2(f)

**Status:**

Point in time view as at 08/05/2017.

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