



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 12

EXTRADITION

Amendments of the Extradition Act 2003

156 Extradition barred if no prosecution decision in requesting territory

(1) In section 11 of the Extradition Act 2003 (bars to extradition), after paragraph (a) of subsection (1) there is inserted—

“(aa) absence of prosecution decision;”.

(2) After section 12 of that Act there is inserted—

“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

Changes to legislation: *Anti-social Behaviour, Crime and Policing Act 2014, Section 156 is up to date with all changes known to be in force on or before 21 May 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*

- (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.”
- (3) In a case where the Part 1 warrant (within the meaning of the Extradition Act 2003) has been issued before the time when the amendments made by this section come into force, those amendments apply to the extradition concerned only if, at that time, the judge has not yet decided all of the questions in section 11(1) of that Act.

Commencement Information

II [S. 156](#) in force at 21.7.2014 by [S.I. 2014/1916](#), [art. 2\(c\)](#)

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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\(2\)\(a\)](#)