



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 12

EXTRADITION

Amendments of the Extradition Act 2003

164 Definition of “extradition offence”

(1) For sections 64 and 65 of the Extradition Act 2003 there is substituted—

“64 Extradition offences: person not sentenced for offence

- (1) This section sets out whether a person's conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—
 - (a) is accused in a category 1 territory of an offence constituted by the conduct, or
 - (b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
 - (a) the conduct occurs in the category 1 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
 - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.

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- (4) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 1 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom;
 - (c) the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.
- (5) The conditions in this subsection are that—
- (a) the conduct occurs in the category 1 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) a certificate issued by an appropriate authority of the category 1 territory shows that the conduct falls within the European framework list;
 - (d) the certificate shows that the conduct is punishable under the law of the category 1 territory with imprisonment or another form of detention for a term of 3 years or a greater punishment.
- (6) For the purposes of subsections (3)(b) and (4)(b)—
- (a) if the conduct relates to a tax or duty, it does not matter whether the law of the relevant part of the United Kingdom imposes the same kind of tax or duty or contains rules of the same kind as those of the law of the category 1 territory;
 - (b) if the conduct relates to customs or exchange, it does not matter whether the law of the relevant part of the United Kingdom contains rules of the same kind as those of the law of the category 1 territory.

65 Extradition offences: person sentenced for offence

- (1) This section sets out whether a person's conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—
- (a) has been convicted in a category 1 territory of an offence constituted by the conduct, and
 - (b) has been sentenced for the offence.
- (2) The conduct constitutes an extradition offence in relation to the category 1 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
- (a) the conduct occurs in the category 1 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom if it occurred in that part of the United Kingdom;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
- (4) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 1 territory;

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- (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
 - (5) The conditions in this subsection are that—
 - (a) the conduct occurs in the category 1 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) a certificate issued by an appropriate authority of the category 1 territory shows that the conduct falls within the European framework list;
 - (d) the certificate shows that a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 1 territory in respect of the conduct.
 - (6) For the purposes of subsections (3)(b) and (4)(b)—
 - (a) if the conduct relates to a tax or duty, it does not matter whether the law of the relevant part of the United Kingdom imposes the same kind of tax or duty or contains rules of the same kind as those of the law of the category 1 territory;
 - (b) if the conduct relates to customs or exchange, it does not matter whether the law of the relevant part of the United Kingdom contains rules of the same kind as those of the law of the category 1 territory.”
- (2) In section 66 (supplementary provision for the purposes of sections 64 and 65) after subsection (1) there is inserted—

“(1A) References to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the Part 1 warrant.”
- (3) In section 137 of that Act (definition of extradition offence for the purposes of Part 2 of the Act: person not sentenced for offence) for subsections (1) to (5) there is substituted—

“(1) This section sets out whether a person's conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—

 - (a) is accused in a category 2 territory of an offence constituted by the conduct, or
 - (b) has been convicted in that territory of an offence constituted by the conduct but not sentenced for it.

(2) The conduct constitutes an extradition offence in relation to the category 2 territory if the conditions in subsection (3), (4) or (5) are satisfied.

(3) The conditions in this subsection are that—

 - (a) the conduct occurs in the category 2 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;
 - (c) the conduct is so punishable under the law of the category 2 territory.

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- (4) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment;
 - (c) the conduct is so punishable under the law of the category 2 territory.
- (5) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) the conduct constitutes, or if committed in the United Kingdom would constitute, an offence mentioned in subsection (6);
 - (d) the conduct is punishable under the law of the category 2 territory with imprisonment or another form of detention for a term of 12 months or a greater punishment.”
- (4) After subsection (7) of that section there is inserted—
- “(7A) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person’s extradition”.
- (5) In section 138 of that Act (definition of “extradition offence” for the purposes of Part 2 of the Act: person sentenced for offence) for subsections (1) to (5) there is substituted—
- “(1) This section sets out whether a person’s conduct constitutes an “extradition offence” for the purposes of this Part in a case where the person—
- (a) has been convicted, in the category 2 territory to which extradition is requested, of an offence constituted by the conduct, and
 - (b) has been sentenced for the offence.
- (2) The conduct constitutes an extradition offence in relation to the category 2 territory if the conditions in subsection (3), (4) or (5) are satisfied.
- (3) The conditions in this subsection are that—
- (a) the conduct occurs in the category 2 territory;
 - (b) the conduct would constitute an offence under the law of the relevant part of the United Kingdom punishable with imprisonment or another form of detention for a term of 12 months or a greater punishment if it occurred in that part of the United Kingdom;
 - (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.
- (4) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) in corresponding circumstances equivalent conduct would constitute an extra-territorial offence under the relevant part of the United Kingdom punishable as mentioned in subsection (3)(b);

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- (c) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.
- (5) The conditions in this subsection are that—
- (a) the conduct occurs outside the category 2 territory;
 - (b) no part of the conduct occurs in the United Kingdom;
 - (c) the conduct constitutes, or if committed in the United Kingdom would constitute, an offence mentioned in subsection (6);
 - (d) a sentence of imprisonment or another form of detention for a term of 4 months or a greater punishment has been imposed in the category 2 territory in respect of the conduct.”
- (6) After subsection (7) of that section there is inserted—
- “(7A) References in this section to “conduct” (except in the expression “equivalent conduct”) are to the conduct specified in the request for the person's extradition”.

Commencement Information

II S. 164 in force at 21.7.2014 by S.I. 2014/1916, art. 2(j) (with art. 6)

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