

2014 No. 1916 (C. 87)

EXTRADITION

POLICE

**The Anti-social Behaviour, Crime and Policing Act 2014
(Commencement No. 4 and Transitional Provisions) Order 2014**

Made - - - -

18th July 2014

The Secretary of State, in exercise of the powers conferred by section 185(1) and (7) of the Anti-social Behaviour, Crime and Policing Act 2014(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No. 4 and Transitional Provisions) Order 2014.

(2) In this Order—

“the Act” means the Anti-social Behaviour, Crime and Policing Act 2014; and

“the 2003 Act” means the Extradition Act 2003(b).

Provisions coming into force on 21st July 2014

2. The following provisions of the Act come into force on 21st July 2014—

- (a) section 140 (appointment of chief officers of police);
- (b) section 155 (date of extradition hearing);
- (c) section 156 (extradition barred if no prosecution decision in requesting territory);
- (d) section 157 (proportionality);
- (e) section 158 (hostage-taking considerations);
- (f) section 159 (request for temporary transfer etc);
- (g) section 161 (judge informed after extradition hearing or order that person is charged with offence or serving sentence in United Kingdom);
- (h) section 162 (asylum etc);
- (i) section 163 (consent to extradition not to be taken as waiver of speciality rights);
- (j) section 164 (definition of “extradition offence”);
- (k) section 165 (extradition to the United Kingdom to be sentenced or to serve a sentence);
- (l) section 166 (detention of extradited person for trial in England and Wales for other offences);

(a) 2014 c. 12.

(b) 2003 c. 41.

- (m) section 167 (proceedings on deferred warrant or request etc);
- (n) section 169 (extradition to a territory that is party to an international Convention);
- (o) section 170 (electronic transmission of European arrest warrant etc);
- (p) section 171 (discount on sentence for time spent in custody awaiting extradition: England and Wales);
- (q) section 172 (discount on sentence for time spent in custody awaiting extradition: Scotland);
- (r) section 173 (discount on sentence for time spent in custody awaiting extradition: Northern Ireland);
- (s) section 181(1) (amendments), insofar as it relates to the provisions of Schedule 11 specified in sub-paragraph (t); and
- (t) in Schedule 11 (minor and consequential amendments), paragraphs 103 to 105, 108 to 110, 115 to 121 and 123 and 124.

Provisions coming into force on 31st July 2014

3. The following provisions of the Act come into force on 31st July 2014—
- (a) section 148 (port and border controls), insofar as it relates to the provisions of Schedule 9 (port and border controls) specified in sub-paragraph (b); and
 - (b) in Schedule 9, paragraph 1 (to the extent it is not already in force) and paragraphs 2 to 6.

Provisions coming into force on 1st April 2015

4. Section 148 of, and Schedule 9 to, the Act come into force on 1st April 2015 to the extent that they are not already in force.

Transitional provision in relation to the coming into force of section 163

5. In relation to a case where the person consented to extradition under section 45 or 127 of the 2003 Act(a) before 21st July 2014, the coming into force of section 163 of the Act does not apply.

Transitional provision in relation to the coming into force of section 164

6. In relation to a case where a certificate was issued under section 2(b) or section 70(c) of the 2003 Act, or a warrant was issued under section 73 of that Act(d), before 21st July 2014, the coming into force of section 164 of the Act does not apply.

Home Office
18th July 2014

James Brokenshire
Minister of State

(a) There are amendments to sections 45 and 127 which are not relevant to this Order.
 (b) Section 2 was amended by the Police and Justice Act 2006 (c. 48), Schedule 13, paragraph 1(1).
 (c) Section 70 was amended by the Police and Justice Act 2006, Schedule 13, paragraphs 1(2) and 17. There are other amendments to section 70 which are not relevant to this Order.
 (d) There are amendments to section 73 which are not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force various provisions of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”).

Article 2 brings into force on 21st July 2014 section 140 of the Act, which relates to the appointment of chief police officers. It also brings into force on that date various provisions in Part 12 and Part 4 of Schedule 11 to the Act, which relate to extradition. These include provisions introducing bars to extradition under Part 1 of the Extradition Act 2003 (“the 2003 Act”) (which deals with European Arrest Warrant cases) where the issuing State is not ready to charge and try the person (section 156) and where extradition would be disproportionate (section 157). Also included are provisions ensuring that persons who consent to extradition do not thereby lose the right not be proceeded against for offences other than those listed in the extradition request (speciality protection) (section 163), amending the definitions of “extradition offence” in Parts 1 and 2 of the 2003 Act (section 164) and dealing with the crediting of time spent in custody awaiting extradition to the United Kingdom (sections 171, 172 and 173).

Articles 3 and 4 bring into force on 31st July 2014 and 1st April 2015 respectively various provisions in Schedule 9 to the Act. These relate to Schedule 7 (port and border controls) and Schedule 8 (detention) to the Terrorism Act 2000. The provisions commenced by Article 3 (i) reduce the maximum period of examination under Schedule 7 to the Terrorism Act 2000 from nine to six hours, (ii) extend to individuals detained at a port the statutory rights to have a person informed of their detention and to consult a solicitor privately, (iii) clarify that the right to consult a solicitor includes consultation in person, (iv) ensure access to legal advice for all individuals examined under Schedule 7 for more than one hour, (v) establish a statutory basis for undertaking strip searches of persons detained under Schedule 7 powers, which requires reasonable grounds to suspect that the person is concealing something which may be evidence that the person is involved in terrorism and requires a supervising officer’s authority, (vi) repeal the power to seek intimate samples during the course of a Schedule 7 examination, and (vii) provide that an examining officer may make and retain a copy of information obtained or found in the course of an examination. The provisions commenced by Article 4 introduce a requirement to keep under periodic review the need for continued detention of a person who is being detained under Schedule 7 powers, and make provision concerning the rights of those detained under such powers.

Article 5 contains transitional provision in relation to the commencement of section 163 of the Act. Its effect is that in a case where a person consented to his or her extradition before the coming into force of section 163, that section does not apply, and the person is to be taken to have waived any speciality protection which he or she would otherwise have enjoyed.

Article 6 contains transitional provision in relation to the commencement of section 164 of the Act. Its effect is that the modified definitions of “extradition offence” do not apply in cases where the certificate (under either section 2 or section 70 of the 2003 Act) or the provisional arrest warrant was issued before the commencement of section 164.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force to their fullest extent (unless indicated otherwise) by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 98 (England only)	13th May 2014	2014/949
Section 98 (Wales only)	13th May 2014	2014/1241 (W. 129)
Section 99	13th May 2014	2014/949
Section 100(1) (England only)	13th May 2014	2014/949
Section 100(1) (Wales only)	13th May 2014	2014/1241 (W. 129)
Section 101	13th May 2014	2014/949
Section 104 (partially)	13th May 2014	2014/949
Section 105	13th May 2014	2014/949
Section 106	13th May 2014	2014/949
Section 107	13th May 2014	2014/949
Section 108	14th July 2014	2014/949
Section 109	14th July 2014	2014/949
Section 110	14th July 2014	2014/949
Section 111	14th July 2014	2014/949
Section 112	13th May 2014	2014/949
Section 119	13th May 2014	2014/949
Section 120	16th June 2014	2014/949
Section 121	16th June 2014	2014/949
Section 123 to 130	13th May 2014	2014/949
Section 141	13th May 2014	2014/949
Section 142	13th May 2014	2014/949
Section 143	20th March 2014	2014/630
Section 144 to 146	13th May 2014	2014/949
Section 147	14th March 2014	2014/630
Section 148 (partially)	13th May 2014	2014/949
Section 149	2nd June 2014	2014/1226
Section 152	13th May 2014	2014/949
Section 153	13th May 2014	2014/949
Section 176	13th May 2014	2014/949
Section 178	13th May 2014	2014/949
Section 179	1st June 2014	2014/949
Section 181(1) (partially)	20th March 2014	2014/630
Section 181(1) (partially) ^(*)	13th May 2014	2014/949
Section 181(1) (partially) (Wales only)	13th May 2014	2014/1241 (W. 129)
Schedule 4 (partially)	13th May 2014	2014/949
Schedule 8	14th March 2014	2014/630
Schedule 9 (partially)	13th May 2014	2014/949
Schedule 10	13th May 2014	2014/949
Schedule 11 (partially)	20th March 2014	2014/630
Schedule 11 (partially) ^(*)	13th May 2014	2014/949
Schedule 11 (partially) (Wales only)	13th May 2014	2014/1241 (W. 129)

^(*) Certain paragraphs of Schedule 11, and section 181(1) insofar as it relates to those paragraphs, were brought into force by S.I. 2014/949 on 13th May 2014 for England only. Other paragraphs of Schedule

11, and section 181(1) insofar as it relates to those paragraphs, were brought into force by S.I. 2014/949 on 13th May 2014 for the whole of the United Kingdom.

© Crown copyright 2014

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK201407219 07/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/1916>

ISBN 978-0-11-111888-7



9 780111 118887