

These notes refer to the Anti-Social Behaviour, Crime and Policing Act 2014 (c.12) which received Royal Assent on 13 March 2014

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12: Extradition

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

477. This section inserts new sections 36A, 36B, 118A and 118B into the 2003 Act.
478. The purpose of these new sections is to ensure that where a judge is informed after the end of an extradition hearing (in a Part 1 case) or after extradition has been ordered (in a Part 2 case) that the person to be extradited has been charged with an offence in the UK, his or her extradition *must* be postponed until the conclusion of the UK proceedings. Similarly, if a judge is informed after the end of the hearing or after extradition has been ordered that the person is serving a sentence of imprisonment or another form of detention in the UK, the judge *may* postpone extradition until the person is released from detention. At present, if, for example, a person is on bail pending his or her surrender to another country and he or she commits a crime in the UK before extradition, he or she must still be extradited no matter how serious the offence is. After that, the UK can either seek the person's temporary surrender or wait until the person has served the sentence in the requesting State. The new provision means that, in such cases, the domestic case must be dealt with first. This is in line with the legislation that applies where such circumstances come to light before the end of the extradition hearing or before extradition is ordered.