



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 12

EXTRADITION

Time spent in custody awaiting extradition to the United Kingdom

171 Discount on sentence for time spent in custody awaiting extradition: England and Wales

In section 49 of the Prison Act 1952 (persons unlawfully at large), after subsection (3) there is inserted—

“(3A) Where—

- (a) a person is extradited to the United Kingdom from a category 1 territory for the purpose of serving a term of imprisonment or another form of detention mentioned in subsection (2) of this section, and
- (b) the person was for any time kept in custody in that territory with a view to the extradition (and not also for any other reason),

the Secretary of State shall exercise the power under that subsection to direct that account shall be taken of that time in calculating the period for which the person is liable to be detained.

(3B) In subsection (3A) of this section “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.”

172 Discount on sentence for time spent in custody awaiting extradition: Scotland

- (1) Section 210 of the Criminal Procedure (Scotland) Act 1995 (consideration of time spent in custody) is amended as follows.

- (2) In subsection (1)—
- (a) in paragraph (a), after “United Kingdom” there is inserted “otherwise than from a category 1 territory”;
 - (b) in paragraph (c)(ii), for “for the purposes of this section” there is substituted “who was extradited to the United Kingdom otherwise than from a category 1 territory”.
- (3) After subsection (1) there is inserted—
- “(1A) Subsection (1B) applies where—
- (a) a court is passing a sentence of imprisonment or detention on a person for an offence, and
 - (b) the person is an extradited prisoner who was extradited to the United Kingdom from a category 1 territory.
- (1B) The court shall specify—
- (a) the period of time spent in custody awaiting extradition, and
 - (b) the date of commencement of the sentence in accordance with subsection (1C).
- (1C) The date of commencement of the sentence is to be a date the relevant number of days earlier than the date the sentence would have commenced had the person not spent time in custody awaiting extradition.
- (1D) In subsection (1C), “the relevant number of days” means the number of days in the period specified under subsection (1B)(a).”
- (4) After subsection (2) there is inserted—
- “(2A) In this section, “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.”
- (5) Subsection (3) is repealed.

173 Discount on sentence for time spent in custody awaiting extradition: Northern Ireland

- (1) In section 38 of the Prison Act (Northern Ireland) 1953 (arrest, etc., of persons unlawfully at large), for subsection (3) there is substituted—
- “(3) The provisions of subsection (2) shall not apply to any period during which any such person—
- (a) is detained in pursuance of any other sentence of any court in the United Kingdom in a prison or other institution, or
 - (b) is kept in custody in a category 1 territory before, and only for the purpose of, being extradited to the United Kingdom to serve the term of imprisonment or detention referred to in that subsection,
- but shall apply in addition to any other provisions of this Act imposing any punishment for an escape.
- (3A) In subsection (3) “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.”

- (2) In section 26 of the Treatment of Offenders Act (Northern Ireland) 1968 (duration of sentence), at the end of subsection (2A) there is inserted “; or
- (c) any period during which he was in custody in a category 1 territory with a view to his being extradited to the United Kingdom to be tried or sentenced for that offence (and not for any other reason).

In paragraph (c) “category 1 territory” means a territory designated under the Extradition Act 2003 for the purposes of Part 1 of that Act.”