



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

The extradition hearing

[^{F1}83D Questioning of prosecutor's certificate

- (1) No decision of a designated prosecutor relating to a prosecutor's certificate in respect of D's extradition (a "relevant certification decision") may be questioned except on an appeal under section 103 or 108 against an order for that extradition.
- (2) In England and Wales, and Northern Ireland, for the purpose of—
 - (a) determining whether to give permission for a relevant certification decision to be questioned, and
 - (b) determining any such question (if that permission is given),the High Court must apply the procedures and principles which would be applied by it on an application for judicial review.
- (3) In Scotland, for the purpose of determining any questioning of a relevant certification decision, the High Court must apply the procedures and principles that would be applied by it on an application for judicial review.
- (4) In a case where the High Court quashes a prosecutor's certificate, the High Court is to decide the question of whether or not the extradition is barred by reason of forum.
- (5) Where the High Court is required to decide that question by virtue of subsection (4)—
 - (a) sections 83A to 83C and this section apply in relation to that decision (with the appropriate modifications) as they apply to a decision by a judge; and
 - (b) in particular—
 - (i) a reference in this section to an appeal under section 103 or 108 has effect as a reference to an appeal under section 114 to the Supreme Court;

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 83D. (See end of Document for details)*

(ii) a reference in this section to the High Court has effect as a reference to the Supreme Court.]

Textual Amendments

F1 Ss. 83A-83E inserted (18.9.2013 for specified purposes, 14.10.2013 for E.W.N.I. in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 6](#) (with [Sch. 20 para. 78](#)); S.I. 2013/2349, art. 2(2)(3)

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 83D.