



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Withdrawal of extradition request*

#### **Commencement Information**

- II** Act wholly in force at 1.1.2004, see [s. 221](#) and [S.I. 2003/3103, art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258 art. 2\(2\)](#) and [S.I. 2003/3312 art. 2\(2\)](#))

#### **122 Withdrawal of request before end of extradition hearing**

- (1) This section applies if at any time in the relevant period the appropriate judge is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when the person first appears or is brought before the appropriate judge following his arrest under this Part;
  - (b) ending when the judge orders the person's discharge or sends the case to the Secretary of State for his decision whether the person is to be extradited.
- (3) The judge must order the person's discharge.
- (4) If the person is not before the judge at the time the judge orders his discharge, the judge must inform him of the order as soon as practicable.

*Status: Point in time view as at 15/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Withdrawal of extradition request. (See end of Document for details)*

#### Commencement Information

- I2** Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, art. 2 (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

### 123 Withdrawal of request after case sent to Secretary of State

- (1) This section applies if at any time in the relevant period the Secretary of State is informed that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when the judge sends the case to the Secretary of State for his decision whether the person is to be extradited;
  - (b) ending when the person is extradited in pursuance of the request or discharged.
- (3) The Secretary of State must order the person's discharge.

#### Commencement Information

- I3** Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, art. 2 (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

### 124 Withdrawal of request while<sup>[F1]</sup> application or] appeal to High Court pending

- (1) This section applies if at any time in the relevant period the High Court is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when <sup>[F2]</sup>notice of application for leave to appeal to the High Court] is given by the person whose extradition is requested or by a person acting on behalf of the category 2 territory to which his extradition is requested;
  - (b) ending <sup>[F3]</sup>with the relevant day].

<sup>[F4]</sup>(2A) “The relevant day” is—

- (a) if the High Court refuses leave to appeal to it, the day on which the decision to refuse leave becomes final;
- (b) if leave to appeal is given but proceedings on the appeal are discontinued, the day of discontinuance;
- (c) if leave to appeal is given and proceedings on the appeal are not discontinued, the day on which the court makes its decision on the appeal.

For the purposes of paragraph (a), the decision to refuse leave becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal (ignoring any power of a court to grant leave to take a step out of time).]

- (3) If the<sup>[F5]</sup> application or] appeal is under section 103 or 108, the court must—
  - (a) order the person's discharge;
  - (b) quash the order for his extradition, if the Secretary of State has ordered his extradition.

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[<sup>F6</sup>(4) If the application or appeal is under section 105 or 110, the court must dismiss the application or appeal.]

(5) If the person is not before the court at the time the court orders his discharge, the court must inform him of the order as soon as practicable.

#### Textual Amendments

- F1** Words in s. 124 heading inserted (15.4.2015) by The Extradition Act 2003 (Amendment to Designations and Appeals) Order 2015 (S.I. 2015/992), arts. 1(1), **3(11)(a)** (with art. 1(4))
- F2** Words in s. 124(2)(a) substituted (15.4.2015) by The Extradition Act 2003 (Amendment to Designations and Appeals) Order 2015 (S.I. 2015/992), arts. 1(1), **3(11)(b)(i)** (with art. 1(4))
- F3** Words in s. 124(2)(b) substituted (15.4.2015) by The Extradition Act 2003 (Amendment to Designations and Appeals) Order 2015 (S.I. 2015/992), arts. 1(1), **3(11)(b)(ii)** (with art. 1(4))
- F4** S. 124(2A) inserted (15.4.2015) by The Extradition Act 2003 (Amendment to Designations and Appeals) Order 2015 (S.I. 2015/992), arts. 1(1), **3(11)(c)** (with art. 1(4))
- F5** Words in s. 124(3) inserted (15.4.2015) by The Extradition Act 2003 (Amendment to Designations and Appeals) Order 2015 (S.I. 2015/992), arts. 1(1), **3(11)(d)** (with art. 1(4))
- F6** S. 124(4) substituted (15.4.2015) by The Extradition Act 2003 (Amendment to Designations and Appeals) Order 2015 (S.I. 2015/992), arts. 1(1), **3(11)(e)** (with art. 1(4))

#### Commencement Information

- I4** Act wholly in force at 1.1.2004, see s. 221 and S.I. 2003/3103, **art. 2** (subject to arts. 3-5) (as amended by S.I. 2003/3258 art. 2(2) and S.I. 2003/3312 art. 2(2))

## 125 Withdrawal of request while appeal to [<sup>F7</sup>Supreme Court]<sup>F7</sup> pending

- (1) This section applies if at any time in the relevant period the [<sup>F8</sup>Supreme Court]<sup>F8</sup> is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
- starting when leave to appeal to the [<sup>F8</sup>Supreme Court]<sup>F8</sup> is granted to the person whose extradition is requested or a person acting on behalf of the category 2 territory to which his extradition is requested;
  - ending when proceedings on the appeal are discontinued or the [<sup>F8</sup>Supreme Court]<sup>F8</sup> makes its decision on the appeal.
- (3) If the appeal is brought by the person whose extradition is requested the [<sup>F8</sup>Supreme Court]<sup>F8</sup> must—
- order the person's discharge;
  - quash the order for his extradition, in a case where the appeal was against a decision of the High Court to dismiss an appeal under section 103 or 108.
- (4) If the appeal is brought by a person acting on behalf of the category 2 territory the [<sup>F8</sup>Supreme Court]<sup>F8</sup> must dismiss the appeal.
- (5) If the person whose extradition is requested is not before the [<sup>F8</sup>Supreme Court]<sup>F8</sup> at the time it orders his discharge, the [<sup>F8</sup>Supreme Court]<sup>F8</sup> must inform him of the order as soon as practicable.

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*Status: Point in time view as at 15/04/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Withdrawal of extradition request. (See end of Document for details)*

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#### **Textual Amendments**

- F7** Words in s. 125 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(k\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F8** Words in s. 125 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(k\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
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#### **Commencement Information**

- I5** Act wholly in force at 1.1.2004, see [s. 221](#) and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**Status:**

Point in time view as at 15/04/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading:  
Withdrawal of extradition request.