



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2 U.K.

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Appeals*

#### **115 Powers of [F<sup>1</sup>Supreme Court]<sup>F1</sup> on appeal under section 114 U.K.**

- (1) On an appeal under section 114 the [F<sup>2</sup>Supreme Court]<sup>F2</sup> may—
  - (a) allow the appeal;
  - (b) dismiss the appeal.
- (2) Subsection (3) applies if—
  - (a) the person whose extradition is requested brings an appeal under section 114, and
  - (b) the [F<sup>2</sup>Supreme Court]<sup>F2</sup> allows the appeal.
- (3) The [F<sup>2</sup>Supreme Court]<sup>F2</sup> must—
  - (a) order the person's discharge;
  - (b) quash the order for his extradition, if the appeal was against a decision of the High Court to dismiss an appeal under section 103 or 108 or to allow an appeal under section 110.
- (4) Subsection (5) applies if—
  - (a) the High Court allows an appeal under section 103 or 108 by the person whose extradition is requested or dismisses an appeal under section 110 by a person acting on behalf of the category 2 territory,
  - (b) a person acting on behalf of the category 2 territory brings an appeal under section 114 against the decision of the High Court, and
  - (c) the [F<sup>2</sup>Supreme Court]<sup>F2</sup> allows the appeal.
- (5) The [F<sup>2</sup>Supreme Court]<sup>F2</sup> must—

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 115. (See end of Document for details)*

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- (a) quash the order discharging the person made by the High Court under section 104(5) or 109(5) or by the Secretary of State under this Part;
  - (b) order the person to be extradited to the category 2 territory.
- (6) Subsection (7) applies if—
- (a) the High Court dismisses an appeal under section 105 against a decision made by the judge at the extradition hearing,
  - (b) a person acting on behalf of the category 2 territory brings an appeal under section 114 against the decision of the High Court, and
  - (c) the [F2Supreme Court]<sup>F2</sup> allows the appeal.
- (7) The [F2Supreme Court]<sup>F2</sup> must—
- (a) quash the order of the judge discharging the person whose extradition is requested;
  - (b) remit the case to the judge;
  - (c) direct him to proceed as he would have been required to do if he had decided the relevant question differently at the extradition hearing.
- (8) A question is the relevant question if the judge’s decision on it resulted in the order for the person’s discharge.
- [F3(9) In a case where subsection (5) or (7) applies, the [F2Supreme Court]<sup>F2</sup> must remand, in custody or on bail, the person whose extradition is requested.
- (10) If the [F2Supreme Court]<sup>F2</sup> remands the person in custody the High Court may later grant bail.]<sup>F3</sup>

#### **Textual Amendments**

- F1** Words in s. 115 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(i\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F2** Words in s. 115 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(i\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F3** S. 115(9)(10) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(12\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

#### **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))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 115.