



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 5

#### MISCELLANEOUS AND GENERAL

##### *Interpretation*

##### **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))

#### **213 Disposal of Part 1 warrant and extradition request**

- (1) A Part 1 warrant issued in respect of a person is disposed of—
- when an order is made for the person's discharge in respect of the warrant and there is no further possibility of an appeal;
  - when the person is taken to be discharged in respect of the warrant;
  - when an order is made for the person's extradition in pursuance of the warrant and there is no further possibility of an appeal.
- (2) A request for a person's extradition is disposed of—
- when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal;
  - when the person is taken to be discharged in respect of the request;
  - when an order is made for the person's extradition in pursuance of the request and there is no further possibility of an appeal.
- (3) There is no further possibility of an appeal against an order for a person's discharge or extradition—
- when the period permitted for giving notice of an appeal to the High Court ends, if notice is not given before the end of that period;

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- (b) when the decision of the High Court on an appeal becomes final, if there is no appeal to the [F1Supreme Court]<sup>F1</sup> against that decision;
  - (c) when the decision of the [F1Supreme Court]<sup>F1</sup> on an appeal is made, if there is such an appeal.
- (4) The decision of the High Court on an appeal becomes final—
- (a) when the period permitted for applying to the High Court for leave to appeal to the [F1Supreme Court]<sup>F1</sup> ends, if there is no such application;
  - (b) when the period permitted for applying to the [F1Supreme Court]<sup>F1</sup> for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the [F1Supreme Court]<sup>F1</sup> for leave to appeal;
  - (c) when the [F1Supreme Court]<sup>F1</sup> refuses leave to appeal to it;
  - (d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [F1Supreme Court]<sup>F1</sup> is granted, if no such appeal is brought before the end of that period.
- (5) These must be ignored for the purposes of subsections (3) and (4)—
- (a) any power of a court to extend the period permitted for giving notice of appeal or for applying for leave to appeal;
  - (b) any power of a court to grant leave to take a step out of time.
- (6) Subsections (3) to (5) do not apply to Scotland.

#### Textual Amendments

**F1** Words in s. 213 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(p\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

#### 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))

## 214 Disposal of charge

- (1) A charge against a person is disposed of—
- (a) if the person is acquitted in respect of it, when he is acquitted;
  - (b) if the person is convicted in respect of it, when there is no further possibility of an appeal against the conviction.
- (2) There is no further possibility of an appeal against a conviction—
- (a) when the period permitted for giving notice of application for leave to appeal to the Court of Appeal against the conviction ends, if the leave of the Court of Appeal is required and no such notice is given before the end of that period;
  - (b) when the Court of Appeal refuses leave to appeal against the conviction, if the leave of the Court of Appeal is required and notice of application for leave is given before the end of that period;
  - (c) when the period permitted for giving notice of appeal to the Court of Appeal against the conviction ends, if notice is not given before the end of that period;
  - (d) when the decision of the Court of Appeal on an appeal becomes final, if there is no appeal to the [F2Supreme Court]<sup>F2</sup> against that decision;

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- (e) when the decision of the [F<sup>2</sup>Supreme Court]<sup>F2</sup> on an appeal is made, if there is such an appeal.
- (3) The decision of the Court of Appeal on an appeal becomes final—
- (a) when the period permitted for applying to the Court of Appeal for leave to appeal to the [F<sup>2</sup>Supreme Court]<sup>F2</sup> ends, if there is no such application;
  - (b) when the period permitted for applying to the [F<sup>2</sup>Supreme Court]<sup>F2</sup> for leave to appeal to it ends, if the Court of Appeal refuses leave to appeal and there is no application to the [F<sup>2</sup>Supreme Court]<sup>F2</sup> for leave to appeal;
  - (c) when the [F<sup>2</sup>Supreme Court]<sup>F2</sup> refuses leave to appeal to it;
  - (d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [F<sup>2</sup>Supreme Court]<sup>F2</sup> is granted, if no such appeal is brought before the end of that period.
- (4) These must be ignored for the purposes of subsections (2) and (3)—
- (a) any power of a court to extend the period permitted for giving notice of appeal or of application for leave to appeal or for applying for leave to appeal;
  - (b) any power of a court to grant leave to take a step out of time.
- (5) Subsections (2) to (4) do not apply to Scotland.

#### Textual Amendments

- F2** Words in s. 214 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(q\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

#### 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))

## 215 European framework list

- (1) The European framework list is the list of conduct set out in Schedule 2.
- (2) The Secretary of State may by order amend Schedule 2 for the purpose of ensuring that the list of conduct set out in the Schedule corresponds to the list of conduct set out in article 2.2 of the European framework decision.
- (3) The European framework decision is the framework decision of the Council of the European Union made on 13 June 2002 on the European arrest warrant and the surrender procedures between member states (2002/584/JHA).

#### 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))

## 216 Other interpretative provisions

- (1) References to a category 1 territory must be read in accordance with section 1.
- (2) References to a category 2 territory must be read in accordance with section 69.

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- (3) References to the designated authority must be read in accordance with section 2(9).
- (4) References to a Part 1 warrant must be read in accordance with section 2.
- (5) References to a Part 3 warrant must be read in accordance with section 142.
- (6) References to a valid request for a person’s extradition must be read in accordance with section 70.
- [<sup>F3</sup>(6A) References to releasing a person from detention pursuant to a sentence do not include releasing a person temporarily on licence pursuant to an intermittent custody order under section 183(1)(b) of the Criminal Justice Act 2003.]
- (7) “Asylum claim” has the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
- [<sup>F4</sup>(7A) “Civilian subject to service discipline ” has the same meaning as in the Armed Forces Act 2006. ]
- (8) A customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2).
- (9) “High Court” in relation to Scotland means the High Court of Justiciary.
- (10) In relation to Scotland, references to an appeal being discontinued are to be construed as references to its being abandoned.
- (11) “Police officer” in relation to Northern Ireland has the same meaning as in the Police (Northern Ireland) Act 2000 (c. 32).
- (12) A provisional warrant is a warrant issued under section 73(3).
- [<sup>F5</sup>(13) “Service policeman ” [<sup>F6</sup> has the meaning given by section 375(1) of the Armed Forces Act 2006 ] .
- (13A) “ Subject to service law ” has the same meaning as in that Act. ]
- (15) This section and sections 213 to 215 apply for the purposes of this Act.

#### **Textual Amendments**

- F3** S. 216(6A) inserted (25.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), **ss. 71(10)**, 116; S.I. 2009/3096, **art. 3(n)** (with art. 4)
- F4** S. 216(7A) inserted (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 378, 383**, **Sch. 16 para. 205(a)**; S.I. 2009/812, **art. 3** (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F5** S. 216(13)(13A) substituted (28.3.2009 for certain purposes, otherwise 31.10.2009) for s. 216(13) (14) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 378, 383**, **Sch. 16 para. 205(b)**; S.I. 2009/812, **art. 3** (with transitional provisions (24.4.2009 for certain purposes otherwise 31.10.2009) in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F6** Words in s. 216(13) substituted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), **Sch. 4 para. 2**; S.I. 2012/669, art. 4(e)

#### **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))

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