



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Time for extradition*

#### **36 Extradition following appeal**

- (1) This section applies if—
  - (a) there is an appeal to the High Court under section 26 against an order for a person's extradition to a category 1 territory, and
  - (b) the effect of the decision of the relevant court on the appeal is that the person is to be extradited there.
- (2) The person must be extradited to the category 1 territory before the end of the required period.
- (3) The required period is—
  - (a) 10 days starting with the day on which the decision of the relevant court on the appeal becomes final or proceedings on the appeal are discontinued, or
  - (b) if the relevant court and the authority which issued the Part 1 warrant agree a later date, 10 days starting with the later date.
- (4) The relevant court is—
  - (a) the High Court, if there is no appeal to the House of Lords against the decision of the High Court on the appeal;
  - (b) the House of Lords, if there is such an appeal.
- (5) The decision of the High Court on the appeal becomes final—
  - (a) when the period permitted for applying to the High Court for leave to appeal to the House of Lords ends, if there is no such application;

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*Status: This is the original version (as it was originally enacted).*

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- (b) when the period permitted for applying to the House of Lords for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the House of Lords for leave to appeal;
  - (c) when the House of Lords 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 House of Lords is granted, if no such appeal is brought before the end of that period.
- (6) These must be ignored for the purposes of subsection (5)—
- (a) any power of a court to extend the period permitted for applying for leave to appeal;
  - (b) any power of a court to grant leave to take a step out of time.
- (7) The decision of the House of Lords on the appeal becomes final when it is made.
- (8) If subsection (2) is not complied with and the person applies to the appropriate judge to be discharged the judge must order his discharge, unless reasonable cause is shown for the delay.
- (9) The preceding provisions of this section apply to Scotland with these modifications—
- (a) in subsections (1) and (3) for “relevant court” substitute “High Court”;
  - (b) omit subsections (4) to (7).