



# Extradition Act 1989

## 1989 CHAPTER 33

### PART III

#### PROCEDURE

#### *Effect of delay*

#### **16 Discharge in case of delay**

- (1) If a person committed under section 9 above is still in the United Kingdom after the expiration of the relevant period, he may apply to the High Court or the High Court of Justiciary for his discharge.
- (2) Unless he has instituted proceedings for judicial review of the Secretary of State's decision to order his return, the relevant period is—
  - (a) the period of two months beginning with the first day on which, having regard to section 11(2) above, he could have been returned;
  - (b) where a warrant for his return has been issued under section 12 above, the period of one month beginning with the day on which that warrant was issued.
- (3) If he has instituted such proceedings, the relevant period is the period expiring one month after they end.
- (4) Proceedings for judicial review end for the purposes of this section—
  - (a) if they are discontinued, on the day of discontinuance; and
  - (b) if they are determined, on the day on which (disregarding any power of a court to grant leave to appeal out of time) there is no further possibility of an appeal.
- (5) If upon an application under this section the court is satisfied that reasonable notice of the proposed application has been given to the Secretary of State, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged and, if a warrant for his return has been issued under section 12 above, quash that warrant.

## **17 Custody**

- (1) Any person remanded or committed to custody under this Part of this Act shall be committed to the like institution as a person charged with an offence before the court of committal.
- (2) If any person who is in custody by virtue of a warrant under this Act escapes out of custody, he may be retaken in any part of the United Kingdom in like manner as a person escaping from custody under a warrant for his arrest issued in that part in respect of an offence committed in that part.
- (3) Where a person, being in custody in any part of the United Kingdom whether under this Part of this Act or otherwise, is required to be removed in custody under this Act to another part of the United Kingdom and is so removed by sea or by air, he shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed.
- (4) A warrant for the return of any person shall be sufficient authority for all persons to whom it is directed and all constables to receive that person, keep him in custody and convey him into the jurisdiction to which he is to be returned.