



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

107 Detention pending conclusion of appeal under section 105

- (1) This section applies if immediately after the judge orders the person's discharge the judge is informed on behalf of the category 2 territory of an intention to appeal under section 105.
- (2) The judge must remand the person in custody or on bail while the appeal is pending.
- (3) [^{F1}If the person is remanded in custody, the appropriate judge may] later grant bail.
- (4) An appeal under section 105 ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are discontinued;
 - [^{F2}(b) when the High Court—
 - (i) allows the appeal,
 - (ii) makes a direction under section 106(1)(b), or
 - (iii) dismisses the appeal,unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an intention to apply for leave to appeal to the [^{F3}Supreme Court];]
 - (c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [^{F3}Supreme Court] against the decision of the High Court on the appeal is granted [^{F4}, if no appeal to the [^{F3}Supreme Court] is brought before the end of that period];
 - (d) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 107. (See end of Document for details)

[^{F5}(5) The preceding provisions of this section do not apply to Scotland.]

Textual Amendments

- F1** Words in s. 107(3) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 16](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** S. 107(4)(b) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(8\)\(a\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F3** Words in s. 107 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(g\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F4** Words in s. 107(4)(c) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(8\)\(b\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F5** S. 107(5) substituted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 23\(1\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), [art. 2\(1\)\(b\)](#) (with [art. 4\(5\)](#))

Commencement Information

- I1** 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 107.