

SCHEDULE

Rule 3

“ORDER 61A

THE EXTRADITION ACT 2003 – APPEALS TO THE HIGH COURT

Interpretation

1. In this Part of this Order –

“the Act” means the Extradition Act 2003 and a section or Schedule referred to by number means the section or Schedule so numbered in the Act;

expressions used have the same meanings as in the Act.

Assignment of proceedings

2. The jurisdiction of the High Court under the Act shall be assigned to the Queen’s Bench Division.

Appeals under the Act

3.—(1) Every appeal under the Act must be brought by originating motion entitled in the matter of the Act and shall specify the grounds upon which the appellant relies.

(2) The appellant must, within the time specified in paragraph (3) –

- (a) issue the notice of motion which, in the case of an appeal brought under section 26 or 28 of the Act, shall be endorsed with the date and time of the person’s arrest;
- (b) enter the appeal for hearing in the appropriate office; and
- (c) serve a copy of the notice of motion personally, or by sending it by prepaid post to every other party to the appeal.

(3) The appellant must comply with paragraph (2) –

- (a) in the case of an appeal under section 26 or 28 of the Act, within 7 days starting with the day on which the order was made;
- (b) in the case of an appeal under section 103 of the Act, within 14 days starting with the day on which the Secretary of State informs the person under section 100(1) or (4) of the Act of the order he has made in respect of the person;
- (c) in the case of an appeal under section 105 of the Act, within 14 days starting with the day on which the order for discharge is made;
- (d) in the case of an appeal under section 108 of the Act, within 14 days starting with the day on which the Secretary of State informs the person that he has ordered his extradition; and
- (e) in the case of an appeal under section 110 of the Act, within 14 days starting with the day on which the Secretary of State informs the person acting on behalf of a category 2 territory of the order for discharge.

Time limit for beginning to hear appeals under the Act

4.—(1) Subject to paragraph (2), where an appeal is brought under section 26 or 28 of the Act, the High Court must begin to hear an appeal within 40 days of the person’s arrest.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The High Court may extend the period of 40 days mentioned in paragraph (1) if it believes it to be in the interests of justice to do so.

(3) Subject to paragraphs (4) and (5), where an appeal is brought under section 103, 105, 108 or 110 of the Act, the High Court must begin to hear an appeal within 76 days of the appellant entering his appeal.

(4) Where an appeal is brought under section 103 of the Act before the Secretary of State has decided whether the person is to be extradited –

- (a) the period of 76 days does not start until the day on which the Secretary of State informs the person of his decision; and
- (b) the Secretary of State must, as soon as practicable after he informs the person of his decision, inform the High Court –
 - (i) of his decision; and
 - (ii) of the day on which he informed the person of his decision.

(5) The High Court may extend the period of 76 days mentioned in paragraph (3) if it believes it to be in the interests of justice to do so.”