



# 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—
- (a) when an order is made for the person's discharge in respect of the warrant and there is no further possibility of an appeal;
  - (b) when the person is taken to be discharged in respect of the warrant;
  - (c) 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—
- (a) when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal;
  - (b) when the person is taken to be discharged in respect of the request;
  - (c) 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—

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- (a) when the period permitted for giving [<sup>F1</sup>notice of application for leave to appeal] to the High Court ends, if notice is not given before the end of that period;
  - [<sup>F2</sup>(aa) when the decision of the High Court refusing leave to appeal to it becomes final;]
  - (b) when the decision of the High Court on an appeal becomes final, if there is no appeal to the [<sup>F3</sup>Supreme Court]<sup>F3</sup> against that decision;
  - (c) when the decision of the [<sup>F3</sup>Supreme Court]<sup>F3</sup> on an appeal is made, if there is such an appeal.
- [<sup>F4</sup>(3A) The decision of the High Court refusing leave to appeal to it becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to 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 [<sup>F3</sup>Supreme Court]<sup>F3</sup> ends, if there is no such application;
    - (b) when the period permitted for applying to the [<sup>F3</sup>Supreme Court]<sup>F3</sup> for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the [<sup>F3</sup>Supreme Court]<sup>F3</sup> for leave to appeal;
    - (c) when the [<sup>F3</sup>Supreme Court]<sup>F3</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 [<sup>F3</sup>Supreme Court]<sup>F3</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) [<sup>F5</sup>to] (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(3)(a) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(15)(a)(i)** (with art. 1(4))
- F2** S. 213(3)(aa) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(15)(a)(ii)** (with art. 1(4))
- F3** 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)**
- F4** S. 213(3A) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(15)(b)** (with art. 1(4))
- F5** Word in s. 213(5) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(15)(c)** (with art. 1(4))

#### 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))

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## 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 [F6Supreme Court]<sup>F6</sup> against that decision;
  - (e) when the decision of the [F6Supreme Court]<sup>F6</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 [F6Supreme Court]<sup>F6</sup> ends, if there is no such application;
  - (b) when the period permitted for applying to the [F6Supreme Court]<sup>F6</sup> for leave to appeal to it ends, if the Court of Appeal refuses leave to appeal and there is no application to the [F6Supreme Court]<sup>F6</sup> for leave to appeal;
  - (c) when the [F6Supreme Court]<sup>F6</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 [F6Supreme Court]<sup>F6</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

- F6** 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\(d\)](#)

### Modifications etc. (not altering text)

- C1** S. 214 modified (10.11.2016) by [The Extradition Act 2003 \(Overseas Territories\) Order 2016 \(S.I. 2016/990\), arts. 1\(1\), 6\(4\), Sch. 3](#)

### 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\(2\)](#))

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## 215 [F7Trade and Cooperation Agreement] list

(1) The [F8Trade and Cooperation Agreement] list is the list of conduct set out in Schedule 2.

F9(2) .....

F9(3) .....

### Textual Amendments

F7 Words in s. 215 heading substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 12\(5\)\(a\)](#), [40\(7\)](#) (with [Sch. 6 para. 10](#)); [S.I. 2020/1662](#), [reg. 2\(k\)](#)

F8 Words in s. 215(1) substituted (31.12.2020) by [European Union \(Future Relationship\) Act 2020 \(c. 29\)](#), [ss. 12\(5\)\(b\)](#), [40\(7\)](#) (with [Sch. 6 para. 10](#)); [S.I. 2020/1662](#), [reg. 2\(k\)](#)

F9 S. 215(2)(3) omitted (31.12.2020) by virtue of [The Law Enforcement and Security \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/742\)](#), [regs. 1, 53\(4\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

### 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.

[F10(2A) References in sections 74B and 74C to the designated authority must be read in accordance with section 74B(4).]

(3) [F11Other] 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.

F12(6A) .....

(7) "Asylum claim" has the meaning given by section 113(1) of the [Nationality, Immigration and Asylum Act 2002 \(c. 41\)](#).

[F13(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.

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[<sup>F14</sup>(10A) Human Rights Convention” has the meaning given to “the Convention” by section 21(1) of the Human Rights Act 1998.]

(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>F15</sup>(12A) Refugee Convention” means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 and the Protocol to the Convention.]

[<sup>F16</sup>(13) “ Service policeman ” [<sup>F17</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

- F10** S. 216(2A) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 25\(2\)](#); S.I. 2020/1652, reg. 2(1)(b)
- F11** Word in s. 216(3) inserted (31.12.2020) by [Extradition \(Provisional Arrest\) Act 2020 \(c. 18\)](#), s. 2(4), [Sch. para. 25\(3\)](#); S.I. 2020/1652, reg. 2(1)(b)
- F12** S. 216(6A) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 11\(3\)](#); S.I. 2012/2906, art. 2(h)
- F13** 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](#)
- F14** S. 216(10A) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 121\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)
- F15** S. 216(12A) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 121\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)
- F16** 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](#)
- F17** 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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