



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

103 Appeal where case sent to Secretary of State

- (1) If the judge sends a case to the Secretary of State under this Part for his decision whether a person is to be extradited, the person may appeal to the High Court against the relevant decision.
- (2) But subsection (1) does not apply if the person consented to his extradition under section 127 before his case was sent to the Secretary of State.
- (3) The relevant decision is the decision that resulted in the case being sent to the Secretary of State.
- (4) An appeal under this ^{F1}section—
 - (a) may] be brought on a question of law or fact^{F2}, but
 - (b) lies only with the leave of the High Court.]
- (5) If an appeal is brought under this section before the Secretary of State has decided whether the person is to be extradited the appeal must not be heard until after the Secretary of State has made his decision.
- (6) If the Secretary of State orders the person's discharge the appeal must not be proceeded with.
- (7) No appeal may be brought under this section if the Secretary of State has ordered the person's discharge.
- (8) If notice of an appeal under section 110 against the decision which resulted in the order for the person's discharge is given in accordance with subsection (5) of that section—

*Changes to legislation: There are currently no known outstanding effects
 for the Extradition Act 2003, Section 103. (See end of Document for details)*

- (a) subsections (6) and (7) do not apply;
- (b) no appeal may be brought under this section if the High Court has made its decision on the appeal.

(9) [^{F3}Notice of application for leave to appeal] under this section must be given in accordance with rules of court before the end of the permitted period, which is 14 days starting with the day on which the Secretary of State informs the person under section 100(1) or (4) of the order he has made in respect of the person.

[^{F4}(10) But where a person gives notice of application for leave to appeal after the end of the permitted period, the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.]

Textual Amendments

- F1** Words in s. 103(4) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 160(3)(a)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2015/987, art. 2(a) (with art. 4)
- F2** S. 103(4)(b) and preceding word inserted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 160(3)(b)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2015/987, art. 2(a) (with art. 4)
- F3** Words in s. 103(9) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 111** (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2015/987, art. 2(c)(ii) (with art. 4)
- F4** S. 103(10) inserted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 160(3)(c)**, 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); S.I. 2015/987, art. 2(a) (with art. 4)

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 103.