



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Appeals*

#### **[<sup>F1</sup>107A Detention pending conclusion of appeal under section 105: Scotland**

- (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 ("the High Court appeal").
  - (2) The judge must remand the person in custody or on bail while the High Court appeal is pending.
  - (3) The High Court appeal ceases to be pending at the earliest of these times—
    - (a) when the proceedings on the appeal are abandoned;  
[ when the decision of the High Court refusing leave to appeal to it becomes<sup>F2</sup>(aa) final;]
    - (b) when the High Court—
      - (i) allows the appeal,
      - (ii) makes a direction under section 106(1)(b), or
      - (iii) dismisses the appeal.
- [ The decision of the High Court refusing leave to appeal to it becomes final when, in<sup>F3</sup>(3A) accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal (ignoring any power of a court to grant leave to take a step out of time).]
- (4) If—
    - (a) the High Court appeal is dismissed, and

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

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- (b) immediately after dismissing it, the High Court is informed of an intention to bring an appeal to the Supreme Court against a determination of a relevant devolution issue (“the Supreme Court appeal”),  
the High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.
- (5) The Supreme Court appeal ceases to be pending at the earliest of these times—
- (a) the end of the period of 28 days starting with the day when the High Court appeal is dismissed (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);
  - (b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);
  - (c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);
  - (d) the time when the proceedings on the Supreme Court appeal are abandoned;
  - (e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the category 2 territory (ignoring any power of a court to grant leave to take a step out of time).
- (6) If the person is remanded in custody by the judge or the High Court, the appropriate judge may later grant bail.
- (7) In this section “ relevant devolution issue ” means a devolution issue relating to the person's extradition.
- (8) This section applies only to Scotland.]

#### **Textual Amendments**

- F1** S. 107A inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 23\(2\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b) (with art. 4(5))
- F2** S. 107A(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\(9\)\(a\)](#) (with art. 1(4))
- F3** S. 107A(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\(9\)\(b\)](#) (with art. 1(4))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 107A.