



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

111 Court's powers on appeal under section 110

- (1) On an appeal under section 110 the High Court may—
 - (a) allow the appeal;
 - (b) dismiss the appeal.
- (2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.
- (3) The conditions are that—
 - (a) the Secretary of State ought to have decided a question before him differently;
 - (b) if he had decided the question in the way he ought to have done, he would have ordered the person's extradition.
- (4) The conditions are that—
 - (a) an issue is raised that was not raised when the case was being considered by the Secretary of State or information is available that was not available at that time;
 - (b) the issue or information would have resulted in the Secretary of State deciding a question before him differently;
 - (c) if he had decided the question in that way, he would have ordered the person's extradition.
- (5) If the court allows the appeal it must—
 - (a) quash the order discharging the person;
 - (b) order the person's extradition.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 111. (See end of Document for details)*

- [^{F1}(6) If the court allows the appeal it must remand the person in custody or on bail.
(7) If the court remands the person in custody it may later grant bail.]^{F1}

Textual Amendments

- F1** S. 111(6)(7) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(9\)](#);
[S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

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))

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