



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

[^{F1}112 Detention pending conclusion of appeal under section 110

- (1) This section applies in a case where the Secretary of State orders the person's discharge under this Part.
- (2) Subject to subsection (3)—
 - (a) the order made by the appropriate judge under section 92(4) (“ the remand order ”) remains in force until the end of the period of three days beginning with the day on which the person's discharge is ordered;
 - (b) if within that period the Secretary of State is informed in writing on behalf of the category 2 territory of an intention to appeal under section 110, the remand order remains in force while the appeal is pending.
- (3) If the person is remanded in custody under section 92(4), the appropriate judge may grant bail.
- (4) An appeal under section 110 ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are discontinued;
 - (b) when the High Court—
 - (i) allows the appeal, or
 - (ii) dismisses the appeal,unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an intention to apply for leave to appeal to the [^{F2} Supreme Court];
 - (c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [^{F2} Supreme Court] against the decision of the

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for the Extradition Act 2003, Section 112. (See end of Document for details)*

High Court on the appeal is granted, if no appeal to the ^{F2} Supreme Court] is brought before the end of that period;

- (d) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).

^{F3}(5) The preceding provisions of this section do not apply to Scotland.]]

Textual Amendments

- F1** S. 112 substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#) , ss. 42 , 53 , [Sch. 13 para. 8\(10\)](#) ; [S.I. 2006/3364](#) , [art. 2\(d\)\(e\)](#)
- F2** Words in s. 112 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#) , ss. 40 , 148 , [Sch. 9 para. 81\(4\)\(h\)](#) ; [S.I. 2009/1604](#) , [art. 2\(d\)](#)
- F3** S. 112(5) substituted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#) , s. 61(2) , [Sch. 20 para. 24\(1\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#) , [art. 2\(1\)\(b\)](#) (with [art. 4\(6\)](#))

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 112.