



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Time for extradition*

### 35 Extradition where no appeal

<sup>[F1]</sup>(1) This section applies if the appropriate judge orders a person's extradition to a category 1 territory under this Part and either—

- (a) no notice of application for leave to appeal under section 26 is given before the end of the period permitted under that section, or
- (b) notice is given during that period but the High Court refuses leave to appeal to it.]

(2) But this section does not apply if the order is made under section 46 or 48.

(3) The person must be extradited to the category 1 territory before the end of the required period.

(4) The required period is—

<sup>[F2]</sup>(a) 10 days starting with—

- (i) the first day after the period permitted under section 26 for giving notice of application for leave to appeal against the judge's order (where subsection (1)(a) applies), or
- (ii) the day on which the decision of the High Court refusing leave to appeal to it becomes final (where subsection (1)(b) applies), or]

(b) if the judge and the authority which issued the Part 1 warrant agree a later date, 10 days starting with the later date.

<sup>[F3]</sup>(4ZA) 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.]

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 35. (See end of Document for details)*

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- [<sup>F4</sup>(4A) If the day referred to in [<sup>F5</sup>subsection (4)(a)(i) or (ii)] is earlier than the earliest day on which, by reason of an order under section 36A or 36B, the extradition order may be carried out (“the postponed date”), [<sup>F6</sup>subsection (4)(a) has effect as if it referred to the period of 10 days starting with the postponed date].]
- (5) If subsection (3) is not complied with and the person applies to the appropriate judge to be discharged the judge must order his discharge, unless reasonable cause is shown for the delay.
- (6) These must be ignored for the purposes of [<sup>F7</sup>subsections (1) to (4A)]—
- (a) any power of a court to extend the period permitted for giving [<sup>F8</sup>notice of application for leave to appeal];
  - (b) any power of a court to grant leave to take a step out of time.
- [<sup>F9</sup>(7) If leave to appeal to the High Court is granted on an application notice of which was given after the end of the period permitted under section 26, this section ceases to apply (but section 36 applies instead).]

#### Textual Amendments

- F1** S. 35(1) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(a)** (with art. 1(4))
- F2** S. 35(4)(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(3)(b)** (with art. 1(4))
- F3** S. 35(4ZA) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(c)** (with art. 1(4))
- F4** S. 35(4A) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 108** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)
- F5** Words in s. 35(4A) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(d)(i)** (with art. 1(4))
- F6** Words in s. 35(4A) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(d)(ii)** (with art. 1(4))
- F7** Words in s. 35(6) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(e)(i)** (with art. 1(4))
- F8** Words in s. 35(6) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(e)(ii)** (with art. 1(4))
- F9** S. 35(7) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(3)(f)** (with art. 1(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 35.