



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Time for extradition*

### 39 Asylum claim

<sup>F1</sup>(1) .....

<sup>F1</sup>(2) .....

(3) [<sup>F2</sup>If—

(a) an order is made under this Part for a person to be extradited in pursuance of a Part 1 warrant, and

(b) the person has made an asylum claim (whether before or after the issue of the warrant),

the person] must not be extradited in pursuance of the warrant before the asylum claim is finally determined; and sections 35, 36, 47 and 49 have effect subject to this.

(4) Subsection (3) is subject to section 40.

(5) If the Secretary of State allows the asylum claim, the claim is finally determined when he makes his decision on the claim.

(6) If the Secretary of State rejects the asylum claim, the claim is finally determined—

(a) when the Secretary of State makes his decision on the claim, if there is no right to appeal against the Secretary of State's decision on the claim;

(b) when the period permitted for appealing against the Secretary of State's decision on the claim ends, if there is such a right but there is no such appeal;

(c) when the appeal against that decision is finally determined or is withdrawn or abandoned, if there is such an appeal.

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 39. (See end of Document for details)*

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- (7) An appeal against the Secretary of State’s decision on an asylum claim is not finally determined for the purposes of subsection (6) at any time when a further appeal or an application for leave to bring a further appeal—
- (a) has been instituted and has not been finally determined or withdrawn or abandoned, or
  - (b) may be brought.
- (8) The remittal of an appeal is not a final determination for the purposes of subsection (7).
- (9) The possibility of an appeal out of time with leave must be ignored for the purposes of subsections (6) and (7).

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#### **Textual Amendments**

- F1** S. 39(1)(2) repealed (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 162\(1\)\(a\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916, art. 2\(h\)](#); [S.I. 2014/1916, art. 2\(h\)](#)
- F2** Words in s. 39(3) substituted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 162\(1\)\(b\), 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/1916, art. 2\(h\)](#)

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#### **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 39.