



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Withdrawal of extradition request*

#### **122 Withdrawal of request before end of extradition hearing**

- (1) This section applies if at any time in the relevant period the appropriate judge is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when the person first appears or is brought before the appropriate judge following his arrest under this Part;
  - (b) ending when the judge orders the person's discharge or sends the case to the Secretary of State for his decision whether the person is to be extradited.
- (3) The judge must order the person's discharge.
- (4) If the person is not before the judge at the time the judge orders his discharge, the judge must inform him of the order as soon as practicable.

#### **123 Withdrawal of request after case sent to Secretary of State**

- (1) This section applies if at any time in the relevant period the Secretary of State is informed that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when the judge sends the case to the Secretary of State for his decision whether the person is to be extradited;
  - (b) ending when the person is extradited in pursuance of the request or discharged.

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*Status: This is the original version (as it was originally enacted).*

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(3) The Secretary of State must order the person's discharge.

**124 Withdrawal of request while appeal to High Court pending**

- (1) This section applies if at any time in the relevant period the High Court is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when notice of an appeal to the court is given by the person whose extradition is requested or by a person acting on behalf of the category 2 territory to which his extradition is requested;
  - (b) ending when proceedings on the appeal are discontinued or the court makes its decision on the appeal.
- (3) If the appeal is under section 103 or 108, the court must—
  - (a) order the person's discharge;
  - (b) quash the order for his extradition, if the Secretary of State has ordered his extradition.
- (4) If the appeal is under section 105 or 110, the court must dismiss the appeal.
- (5) If the person is not before the court at the time the court orders his discharge, the court must inform him of the order as soon as practicable.

**125 Withdrawal of request while appeal to House of Lords pending**

- (1) This section applies if at any time in the relevant period the House of Lords is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when leave to appeal to the House of Lords is granted to the person whose extradition is requested or a person acting on behalf of the category 2 territory to which his extradition is requested;
  - (b) ending when proceedings on the appeal are discontinued or the House of Lords makes its decision on the appeal.
- (3) If the appeal is brought by the person whose extradition is requested the House of Lords must—
  - (a) order the person's discharge;
  - (b) quash the order for his extradition, in a case where the appeal was against a decision of the High Court to dismiss an appeal under section 103 or 108.
- (4) If the appeal is brought by a person acting on behalf of the category 2 territory the House of Lords must dismiss the appeal.
- (5) If the person whose extradition is requested is not before the House of Lords at the time it orders his discharge, the House of Lords must inform him of the order as soon as practicable.