

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 1

Extradition to Category 1 Territories

Section 31: Appeal to High Court: time limit for start of hearing

90. This section provides for the time limits within which the High Court must begin to hear an appeal under section 26 or 28.
91. *Subsection (1)* states that rules of court must prescribe the period within which the High Court must begin to hear the appeal. The period will start from the date on which the person was arrested under the Part 1 warrant, or the date of provisional arrest (*subsection (2)*). The High Court must begin to hear the appeal before the end of the period (*subsection (3)*). The relevant period for these purposes is intended to be 40 days.
92. The High Court may extend the relevant period, under *subsection (4)*, where it is in the interests of justice to do so, and may do so after the period has expired (*subsection (5)*).
93. *Subsection (6)* sets out what happens if the appeal is against a decision to order extradition (under section 26) and the High Court does not begin to hear the case within the set time period. In these circumstances the appeal will be considered to have been allowed, the person must be discharged and the order for the person's extradition quashed. If the appeal is by an authority of the requesting state (under section 28) and the High Court does not begin to hear the case within the set time period, the appeal will be considered to have been dismissed (*subsection (7)*).