

*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 33: Powers of House of Lords on appeal under section 32

98. This section sets out the powers available to the House of Lords on an appeal by the person who is the subject of the request or by the authority of the requesting state.
99. *Subsections (1) to (3)* allow the House of Lords to allow or dismiss an appeal under section 32 made by a person who is the subject of an extradition order. If the appeal is allowed an order for the person's discharge must be made and the order for his extradition quashed.
100. *Subsections (4) and (5)* provide that if the House of Lords allows an appeal by the authority of the requesting state against a decision of the High Court to discharge a person, the House of Lords is required to quash the order discharging the person and order his extradition.
101. *Subsections (6) to (9)* apply where the authority of the requesting state appeals successfully to the House of Lords against a decision of the High Court to dismiss its earlier appeal against the discharge of a person at the extradition hearing. Where the judge would have been required to order the person's extradition if he had reached a different decision on the question which led to the order for the person's discharge (in other words, if it was the final matter on which the judge was required to take a view), then the House of Lords must quash the discharge order and order the person to be extradited. Otherwise, the House of Lords must remit the case to the judge and require him to proceed as he would have been required to do if he had reached a different decision on the question which resulted in the person's discharge.