

*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 2

Extradition to Category 2 Territories

Section 103: Appeal where case sent to Secretary of State

295. This section provides a right of appeal against the decision of the judge to send the case to the Secretary of State.
296. *Subsections (1) and (3)* allow a person to appeal to the High Court against the decision of the judge to send the case to the Secretary of State. This does not apply to a person who has consented to his extradition under section 127 (*subsection (2)*). The appeal can be on a question of law or fact (*subsection (4)*).
297. If an appeal is lodged it will be heard after the Secretary of State has made his decision (*subsection (5)*), unless the Secretary of State decides to order the person's discharge, in which case the appeal will not be proceeded with (*subsections (6) and (7)*). However, where notice of an appeal is given under section 110 against the Secretary of State's order to discharge the person, *subsections (6) and (7)* do not apply and the person's appeal against the judge's decision will be proceeded with. However, no appeal may be brought by the person against the judge's decision if the High Court has already made its decision on the appeal against the Secretary of State's order (*subsection (8)*).
298. Any appeal under this section must be lodged within 14 days starting on the day the Secretary of State notifies the person of the order he has made (*subsection (9)*).