

*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 133: Costs where extradition ordered

374. This section allows for an order for costs to be made against a person who unsuccessfully challenges proceedings held under this Part of the Act. This is based on section 18 of the Prosecution of Offences Act 1985, which allows a court in a criminal case to make an award of costs against the accused.
375. *Subsection (1)* states that this section applies when any of these occur:
- a person's extradition is ordered in pursuance of a category 2 extradition request;
 - the High Court dismisses a person's appeal against an order for his extradition (brought under section 103 or 108);
 - the High Court or House of Lords refuses a person leave to appeal a decision of the High Court under section 114;
 - the House of Lords dismisses a person's appeal under section 114.
376. In each of the above cases the relevant judge or court has the power to make an order for the person to pay costs that he/it considers just and reasonable (*subsections (2) to (5)*). Such an order for costs must specify the amount to be paid and may also include the name of the person to whom the costs are to be paid (*subsection (6)*).