



Extradition Act 2003

2003 CHAPTER 41

PART 5

MISCELLANEOUS AND GENERAL

Interpretation

213 Disposal of Part 1 warrant and extradition request

- (1) A Part 1 warrant issued in respect of a person is disposed of—
 - (a) when an order is made for the person's discharge in respect of the warrant and there is no further possibility of an appeal;
 - (b) when the person is taken to be discharged in respect of the warrant;
 - (c) when an order is made for the person's extradition in pursuance of the warrant and there is no further possibility of an appeal.
- (2) A request for a person's extradition is disposed of—
 - (a) when an order is made for the person's discharge in respect of the request and there is no further possibility of an appeal;
 - (b) when the person is taken to be discharged in respect of the request;
 - (c) when an order is made for the person's extradition in pursuance of the request and there is no further possibility of an appeal.
- (3) There is no further possibility of an appeal against an order for a person's discharge or extradition—
 - (a) when the period permitted for giving notice of an appeal to the High Court ends, if notice is not given before the end of that period;
 - (b) when the decision of the High Court on an appeal becomes final, if there is no appeal to the House of Lords against that decision;
 - (c) when the decision of the House of Lords on an appeal is made, if there is such an appeal.
- (4) The decision of the High Court on an appeal becomes final—

Status: This is the original version (as it was originally enacted).

- (a) when the period permitted for applying to the High Court for leave to appeal to the House of Lords ends, if there is no such application;
 - (b) when the period permitted for applying to the House of Lords for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the House of Lords for leave to appeal;
 - (c) when the House of Lords refuses leave to appeal to it;
 - (d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords is granted, if no such appeal is brought before the end of that period.
- (5) These must be ignored for the purposes of subsections (3) and (4)—
- (a) any power of a court to extend the period permitted for giving notice of appeal or for applying for leave to appeal;
 - (b) any power of a court to grant leave to take a step out of time.
- (6) Subsections (3) to (5) do not apply to Scotland.

214 Disposal of charge

- (1) A charge against a person is disposed of—
- (a) if the person is acquitted in respect of it, when he is acquitted;
 - (b) if the person is convicted in respect of it, when there is no further possibility of an appeal against the conviction.
- (2) There is no further possibility of an appeal against a conviction—
- (a) when the period permitted for giving notice of application for leave to appeal to the Court of Appeal against the conviction ends, if the leave of the Court of Appeal is required and no such notice is given before the end of that period;
 - (b) when the Court of Appeal refuses leave to appeal against the conviction, if the leave of the Court of Appeal is required and notice of application for leave is given before the end of that period;
 - (c) when the period permitted for giving notice of appeal to the Court of Appeal against the conviction ends, if notice is not given before the end of that period;
 - (d) when the decision of the Court of Appeal on an appeal becomes final, if there is no appeal to the House of Lords against that decision;
 - (e) when the decision of the House of Lords on an appeal is made, if there is such an appeal.
- (3) The decision of the Court of Appeal on an appeal becomes final—
- (a) when the period permitted for applying to the Court of Appeal for leave to appeal to the House of Lords ends, if there is no such application;
 - (b) when the period permitted for applying to the House of Lords for leave to appeal to it ends, if the Court of Appeal refuses leave to appeal and there is no application to the House of Lords for leave to appeal;
 - (c) when the House of Lords refuses leave to appeal to it;
 - (d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords is granted, if no such appeal is brought before the end of that period.
- (4) These must be ignored for the purposes of subsections (2) and (3)—

- (a) any power of a court to extend the period permitted for giving notice of appeal or of application for leave to appeal or for applying for leave to appeal;
 - (b) any power of a court to grant leave to take a step out of time.
- (5) Subsections (2) to (4) do not apply to Scotland.

215 European framework list

- (1) The European framework list is the list of conduct set out in Schedule 2.
- (2) The Secretary of State may by order amend Schedule 2 for the purpose of ensuring that the list of conduct set out in the Schedule corresponds to the list of conduct set out in article 2.2 of the European framework decision.
- (3) The European framework decision is the framework decision of the Council of the European Union made on 13 June 2002 on the European arrest warrant and the surrender procedures between member states (2002/584/JHA).

216 Other interpretative provisions

- (1) References to a category 1 territory must be read in accordance with section 1.
- (2) References to a category 2 territory must be read in accordance with section 69.
- (3) References to the designated authority must be read in accordance with section 2(9).
- (4) References to a Part 1 warrant must be read in accordance with section 2.
- (5) References to a Part 3 warrant must be read in accordance with section 142.
- (6) References to a valid request for a person's extradition must be read in accordance with section 70.
- (7) "Asylum claim" has the meaning given by section 113(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
- (8) A customs officer is a person commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2).
- (9) "High Court" in relation to Scotland means the High Court of Justiciary.
- (10) In relation to Scotland, references to an appeal being discontinued are to be construed as references to its being abandoned.
- (11) "Police officer" in relation to Northern Ireland has the same meaning as in the Police (Northern Ireland) Act 2000 (c. 32).
- (12) A provisional warrant is a warrant issued under section 73(3).
- (13) A service policeman is a member of the Royal Navy Regulating Branch, the Royal Marines Police, the Royal Military Police or the Royal Air Force Police.
- (14) The Provost Marshal of the Royal Air Force and any officer appointed to exercise the functions conferred on provost officers by the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) are to be taken to be members of the Royal Air Force Police for the purposes of subsection (13).
- (15) This section and sections 213 to 215 apply for the purposes of this Act.