



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

[^{F1}112A Detention pending conclusion of appeal under section 110: Scotland

- (1) This section applies in a case where the Scottish Ministers order the person's discharge under this Part.
- (2) Subject to subsection (6)—
 - (a) the order made by the appropriate judge under section 92(4) (“the remand order”) remains in force until the end of the period of three days beginning with the day on which the person's discharge is ordered;
 - (b) if within that period the Scottish Ministers are informed in writing on behalf of the category 2 territory of an intention to appeal under section 110 (“the High Court appeal”), the remand order remains in force while the appeal is pending.
- (3) The High Court appeal ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are abandoned;
 - (b) when the High Court—
 - (i) allows the appeal, or
 - (ii) dismisses the appeal.
- (4) If—
 - (a) the High Court appeal is dismissed,
 - (b) immediately after dismissing it, the High Court is informed of an intention to bring an appeal to the Supreme Court against a determination of a relevant devolution issue (“the Supreme Court appeal”), and
 - (c) the remand order has remained in force until that time,

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 112A. (See end of Document for details)

then, subject to subsection (6), the remand order continues to remain in force while the Supreme Court appeal is pending.

- (5) The Supreme Court appeal ceases to be pending at the earliest of these times—
- (a) the end of the period of 28 days starting with the day when the High Court appeal is dismissed (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);
 - (b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);
 - (c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);
 - (d) the time when the proceedings on the Supreme Court appeal are abandoned;
 - (e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the category 2 territory (ignoring any power of a court to grant leave to take a step out of time).
- (6) If the person is remanded in custody under section 92(4), the appropriate judge may later grant bail.
- (7) In this section “relevant devolution issue” means a devolution issue relating to the person's extradition.
- (8) This section applies only to Scotland.]

Textual Amendments

- F1** S. 112A inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 24\(2\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b) (with art. 4(6))

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