



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

115 Powers of House of Lords on appeal under section 114

- (1) On an appeal under section 114 the House of Lords may—
 - (a) allow the appeal;
 - (b) dismiss the appeal.
- (2) Subsection (3) applies if—
 - (a) the person whose extradition is requested brings an appeal under section 114, and
 - (b) the House of Lords allows the appeal.
- (3) The House of Lords must—
 - (a) order the person's discharge;
 - (b) quash the order for his extradition, if the appeal was against a decision of the High Court to dismiss an appeal under section 103 or 108 or to allow an appeal under section 110.
- (4) Subsection (5) applies if—
 - (a) the High Court allows an appeal under section 103 or 108 by the person whose extradition is requested or dismisses an appeal under section 110 by a person acting on behalf of the category 2 territory,
 - (b) a person acting on behalf of the category 2 territory brings an appeal under section 114 against the decision of the High Court, and
 - (c) the House of Lords allows the appeal.
- (5) The House of Lords must—

Status: This is the original version (as it was originally enacted).

- (a) quash the order discharging the person made by the High Court under section 104(5) or 109(5) or by the Secretary of State under this Part;
 - (b) order the person to be extradited to the category 2 territory.
- (6) Subsection (7) applies if—
- (a) the High Court dismisses an appeal under section 105 against a decision made by the judge at the extradition hearing,
 - (b) a person acting on behalf of the category 2 territory brings an appeal under section 114 against the decision of the High Court, and
 - (c) the House of Lords allows the appeal.
- (7) The House of Lords must—
- (a) quash the order of the judge discharging the person whose extradition is requested;
 - (b) remit the case to the judge;
 - (c) direct him to proceed as he would have been required to do if he had decided the relevant question differently at the extradition hearing.
- (8) A question is the relevant question if the judge's decision on it resulted in the order for the person's discharge.