



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Withdrawal of extradition request*

#### **125 Withdrawal of request while appeal to [<sup>F1</sup>Supreme Court]<sup>F1</sup> pending**

- (1) This section applies if at any time in the relevant period the [<sup>F2</sup>Supreme Court]<sup>F2</sup> is informed by the Secretary of State that a request for a person's extradition has been withdrawn.
- (2) The relevant period is the period—
  - (a) starting when leave to appeal to the [<sup>F2</sup>Supreme Court]<sup>F2</sup> is granted to the person whose extradition is requested or a person acting on behalf of the category 2 territory to which his extradition is requested;
  - (b) ending when proceedings on the appeal are discontinued or the [<sup>F2</sup>Supreme Court]<sup>F2</sup> makes its decision on the appeal.
- (3) If the appeal is brought by the person whose extradition is requested the [<sup>F2</sup>Supreme Court]<sup>F2</sup> must—
  - (a) order the person's discharge;
  - (b) quash the order for his extradition, in a case where the appeal was against a decision of the High Court to dismiss an appeal under section 103 or 108.
- (4) If the appeal is brought by a person acting on behalf of the category 2 territory the [<sup>F2</sup>Supreme Court]<sup>F2</sup> must dismiss the appeal.
- (5) If the person whose extradition is requested is not before the [<sup>F2</sup>Supreme Court]<sup>F2</sup> at the time it orders his discharge, the [<sup>F2</sup>Supreme Court]<sup>F2</sup> must inform him of the order as soon as practicable.

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 125. (See end of Document for details)*

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#### **Textual Amendments**

- F1** Words in s. 125 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(k\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F2** Words in s. 125 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(k\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
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#### **Commencement Information**

- I1** Act wholly in force at 1.1.2004, see [s. 221](#) and [S.I. 2003/3103](#), [art. 2](#) (subject to [arts. 3-5](#)) (as amended by [S.I. 2003/3258](#) art. 2(2) and [S.I. 2003/3312](#) art. 2(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 125.