



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Appeals*

#### **29 Court's powers on appeal under section 28**

- (1) On an appeal under section 28 the High Court may—
  - (a) allow the appeal;
  - (b) dismiss the appeal.
- (2) The court may allow the appeal only if the conditions in subsection (3) or the conditions in subsection (4) are satisfied.
- (3) The conditions are that—
  - (a) the judge ought to have decided the relevant question differently;
  - (b) if he had decided the question in the way he ought to have done, he would not have been required to order the person's discharge.
- (4) The conditions are that—
  - (a) an issue is raised that was not raised at the extradition hearing or evidence is available that was not available at the extradition hearing;
  - (b) the issue or evidence would have resulted in the judge deciding the relevant question differently;
  - (c) if he had decided the question in that way, he would not have been required to order the person's discharge.
- (5) If the court allows the appeal it must—
  - (a) quash the order discharging the person;
  - (b) remit the case to the judge;

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*Status: Point in time view as at 15/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 29. (See end of Document for details)*

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- (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.
- (6) A question is the relevant question if the judge's decision on it resulted in the order for the person's discharge.
- [<sup>F1</sup>(7) If the court allows the appeal it must remand the person in custody or on bail.
- (8) If the court remands the person in custody it may later grant bail.<sup>F1</sup>]

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**Textual Amendments**

- F1** S. 29(7)(8) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(1\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

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**Commencement Information**

- II** 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))

**Status:**

Point in time view as at 15/01/2007.

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 29.