



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Appeals

31 Appeal to High Court: time limit for start of hearing

- (1) Rules of court must prescribe the period (the relevant period) within which the High Court must begin to hear an appeal under section 26 or 28.
- (2) Rules of court must provide for the relevant period to start with the date on which the person in respect of whom a Part 1 warrant is issued—
 - (a) was arrested under section 5, if he was arrested under that section;
 - (b) was arrested under the Part 1 warrant, if he was not arrested under section 5.
- (3) The High Court must begin to hear the appeal before the end of the relevant period.
- (4) The High Court may extend the relevant period if it believes it to be in the interests of justice to do so; and this subsection may apply more than once.
- (5) The power in subsection (4) may be exercised even after the end of the relevant period.
- (6) If subsection (3) is not complied with and the appeal is under section 26—
 - (a) the appeal must be taken to have been allowed by a decision of the High Court;
 - (b) the person whose extradition has been ordered must be taken to have been discharged by the High Court;
 - (c) the order for the person's extradition must be taken to have been quashed by the High Court.
- (7) If subsection (3) is not complied with and the appeal is under section 28 the appeal must be taken to have been dismissed by a decision of the High Court.