



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Appeals*

### **33 Powers of House of Lords on appeal under section 32**

- (1) On an appeal under section 32 the House of Lords may—
  - (a) allow the appeal;
  - (b) dismiss the appeal.
- (2) Subsection (3) applies if—
  - (a) the person in respect of whom the Part 1 warrant was issued brings an appeal under section 32, 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 26.
- (4) Subsection (5) applies if—
  - (a) the High Court allows an appeal under section 26 by the person in respect of whom the Part 1 warrant was issued,
  - (b) the authority which issued the warrant brings an appeal under section 32 against the decision of the High Court, and
  - (c) the House of Lords allows the appeal.
- (5) The House of Lords must—
  - (a) quash the order of the High Court under section 27(5) discharging the person;

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*Status: This is the original version (as it was originally enacted).*

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- (b) order the person to be extradited to the category 1 territory in which the warrant was issued.
- (6) Subsections (7) and (8) apply if—
- (a) the High Court dismisses an appeal under section 28 against a decision made by the judge at the extradition hearing,
  - (b) the authority which issued the Part 1 warrant brings an appeal under section 32 against the decision of the High Court, and
  - (c) the House of Lords allows the appeal.
- (7) If the judge would have been required to order the person in respect of whom the warrant was issued to be extradited had he decided the relevant question differently, the House of Lords must—
- (a) quash the order of the judge discharging the person;
  - (b) order the person to be extradited to the category 1 territory in which the warrant was issued.
- (8) In any other case, the House of Lords must—
- (a) quash the order of the judge discharging the person in respect of whom the warrant was issued;
  - (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.
- (9) A question is the relevant question if the judge's decision on it resulted in the order for the person's discharge.