



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Costs*

#### **61 Costs where discharge ordered**

- (1) This section applies if any of the following occurs in relation to a person in respect of whom a Part 1 warrant is issued—
  - (a) an order for the person's discharge is made under this Part;
  - (b) the person is taken to be discharged under this Part;
  - (c) the High Court dismisses an appeal under section 28;
  - (d) the High Court or the House of Lords dismisses an application for leave to appeal to the House of Lords under section 32, if the application is made by the authority which issued the warrant;
  - (e) the House of Lords dismisses an appeal under section 32, if the appeal is brought by the authority which issued the warrant.
- (2) In a case falling within subsection (1)(a), an order under subsection (5) in favour of the person may be made by—
  - (a) the appropriate judge, if the order for the person's discharge is made by him;
  - (b) the High Court, if the order for the person's discharge is made by it;
  - (c) the House of Lords, if the order for the person's discharge is made by it.
- (3) In a case falling within subsection (1)(b), the appropriate judge may make an order under subsection (5) in favour of the person.
- (4) In a case falling within subsection (1)(c), (d) or (e), the court by which the application or appeal is dismissed may make an order under subsection (5) in favour of the person.
- (5) An order under this subsection in favour of a person is an order for a payment of the appropriate amount to be made to the person out of money provided by Parliament.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The appropriate amount is such amount as the judge or court making the order under subsection (5) considers reasonably sufficient to compensate the person in whose favour the order is made for any expenses properly incurred by him in the proceedings under this Part.
- (7) But if the judge or court making an order under subsection (5) is of the opinion that there are circumstances which make it inappropriate that the person in whose favour the order is made should recover the full amount mentioned in subsection (6), the judge or court must—
- (a) assess what amount would in his or its opinion be just and reasonable;
  - (b) specify that amount in the order as the appropriate amount.
- (8) Unless subsection (7) applies, the appropriate amount—
- (a) must be specified in the order, if the court considers it appropriate for it to be so specified and the person in whose favour the order is made agrees the amount;
  - (b) must be determined in accordance with regulations made by the Lord Chancellor for the purposes of this section, in any other case.