***Changes to legislation:** There are currently no known outstanding effects for the Police and Justice Act 2006, Paragraph 8. (See end of Document for details)*

SCHEDULES

SCHEDULE 13

EXTRADITION

PART 1

AMENDMENTS TO THE EXTRADITION ACT 2003

Remands in connection with appeal proceedings

8 (1) In section 29 (court's powers on appeal under section 28), after subsection (6) there is inserted—

"(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."

(2) In section 30 (detention pending conclusion of appeal under section 28)—

(a) for paragraph (b) of subsection (4) there is substituted—

"(b) when the High Court—

(i) allows the appeal, or

(ii) dismisses the appeal,

unless, where the appeal is dismissed, the authority immediately informs the court that it intends to apply for leave to appeal to the House of Lords;";

(b) in paragraph (c) of that subsection, at the end there is inserted " , if no appeal to the House of Lords is brought before the end of that period ";

(c) in subsection (5)(a), for "if" there is substituted " unless ".

(3) In section 32 (appeal to House of Lords), for subsection (10) there is substituted—

"(10) The High Court may grant bail to a person appealing under this section, or applying for leave to appeal under this section, against the dismissal of his appeal under section 26."

(4) In section 33 (powers of House of Lords on appeal under section 32), at the end there is inserted—

"(10) In a case where—

(a) subsection (5) applies, or

(b) subsections (7) and (8) apply,

the House of Lords must remand, in custody or on bail, the person in respect of whom the warrant was issued.

(11) If the House of Lords remands the person in custody the High Court may later grant bail."

Changes to legislation: *There are currently no known outstanding effects for the Police and Justice Act 2006, Paragraph 8. (See end of Document for details)*

(5) After section 33 there is inserted—

"**33A Detention pending conclusion of certain appeals under section 32**

(1) This section applies if immediately after the High Court orders the person's discharge the court is informed by the authority which issued the Part 1 warrant that it intends to appeal under section 32.

(2) The court must remand the person in custody or on bail while the appeal under section 32 is pending.

(3) If the court remands the person in custody it may later grant bail.

(4) An appeal under section 32 ceases to be pending at the earliest of these times—

(a) when the proceedings on the appeal are discontinued;

(b) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords against the decision of the High Court on the appeal under section 26 is granted, if no appeal to the House of Lords is brought before the end of that period;

(c) when there is no further step that can be taken by the authority which issued the Part 1 warrant in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).

(5) The preceding provisions of this section do not apply to Scotland."

(6) In section 104 (court's powers on appeal under section 103), after subsection (7) there is inserted—

"(8) If the court makes a direction under subsection (1)(b) it must remand the person in custody or on bail.

(9) If the court remands the person in custody it may later grant bail."

(7) In section 106 (court's powers on appeal under section 105), after subsection (8) there is inserted—

"(9) If the court—

(a) allows the appeal, or

(b) makes a direction under subsection (1)(b),

it must remand the person in custody or on bail.

(10) If the court remands the person in custody it may later grant bail."

(8) In section 107 (detention pending conclusion of appeal under section 105)—

(a) for paragraph (b) of subsection (4) there is substituted—

"(b) when the High Court—

(i) allows the appeal,

(ii) makes a direction under section 106(1)(b), or

(iii) dismisses the appeal,

unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory

of an intention to apply for leave to appeal to the House of Lords;";

(b) in paragraph (c) of that subsection, at the end there is inserted " , if no appeal to the House of Lords is brought before the end of that period ";

(c) in subsection (5)(a), for "if" there is substituted " unless ".

(9) In section 111 (court's powers on appeal under section 110), after subsection (5) there is inserted—

"(6) If the court allows the appeal it must remand the person in custody or on bail.

(7) If the court remands the person in custody it may later grant bail."

(10) For section 112 there is substituted—

"**112 Detention pending conclusion of appeal under section 110**

(1) This section applies in a case where the Secretary of State orders the person's discharge under this Part.

(2) Subject to subsection (3)—

(a) the order made by the appropriate judge under section 92(4) ("the remand order") remains in force until the end of the period of three days beginning with the day on which the person's discharge is ordered;

(b) if within that period the Secretary of State is informed in writing on behalf of the category 2 territory of an intention to appeal under section 110, the remand order remains in force while the appeal is pending.

(3) If the person is remanded in custody under section 92(4), the appropriate judge may grant bail.

(4) An appeal under section 110 ceases to be pending at the earliest of these times—

(a) when the proceedings on the appeal are discontinued;

(b) when the High Court—

(i) allows the appeal, or

(ii) dismisses the appeal,

unless, where the appeal is dismissed, the court is immediately informed on behalf of the category 2 territory of an intention to apply for leave to appeal to the House of Lords;

(c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords against the decision of the High Court on the appeal is granted, if no appeal to the House of Lords is brought before the end of that period;

(d) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).

(5) The preceding provisions of this section apply to Scotland with these modifications—

(a) in subsection (4)(b) omit the words from "unless" to the end;

(b) omit subsection (4)(c).”

(11) In section 114 (appeal to House of Lords), for subsection (10) there is substituted—

“(10) The High Court may grant bail to a person appealing under this section, or applying for leave to appeal under this section, against the dismissal of his appeal under section 103 or 108.”

(12) In section 115 (powers of House of Lords on appeal under section 114), after subsection (8) there is inserted—

“(9) In a case where subsection (5) or (7) applies, the House of Lords must remand, in custody or on bail, the person whose extradition is requested.

(10) If the House of Lords remands the person in custody the High Court may later grant bail.”

(13) After section 115 there is inserted—

“**115A Detention pending conclusion of certain appeals under section 114**

(1) This section applies if—

(a) on an appeal under section 103 or 108 the High Court orders the person's discharge;

(b) immediately after it does so, the court is informed on behalf of the category 2 territory of an intention to appeal under section 114.

(2) The court must remand the person in custody or on bail while the appeal is pending.

(3) If the court remands the person in custody it may later grant bail.

(4) An appeal under section 114 ceases to be pending at the earliest of these times—

(a) when the proceedings on the appeal are discontinued;

(b) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the House of Lords against the decision of the High Court on the appeal under section 103 or 108 is granted, if no appeal to the House of Lords is brought before the end of that period;

(c) when there is no further step that can be taken on behalf of the category 2 territory in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).

(5) The preceding provisions of this section do not apply to Scotland.”

Commencement Information

I1 Sch. 13 para. 8 in force at 15.1.2007 by S.I. 2006/3364, **art. 2(e)**

Changes to legislation:
There are currently no known outstanding effects for the Police and Justice Act 2006, Paragraph 8.