



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Appeals

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))

26 Appeal against extradition order

- (1) If the appropriate judge orders a person's extradition under this Part, the person may appeal to the High Court against the order.
- (2) But subsection (1) does not apply if the order is made under section 46 or 48.
- (3) An appeal under this ^[F1]section—
 - (a) may] be brought on a question of law or fact^[F2], but
 - (b) lies only with the leave of the High Court.]
- (4) ^[F3]Notice of application for leave to appeal] under this section must be given in accordance with rules of court before the end of the permitted period, which is 7 days starting with the day on which the order is made.
- ^[F4](5) But where a person gives notice of application for leave to appeal after the end of the permitted period, the High Court must not for that reason refuse to entertain the application if the person did everything reasonably possible to ensure that the notice was given as soon as it could be given.]

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

Textual Amendments

- F1** Words in s. 26(3) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 160\(1\)\(a\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/987](#), art. 2(a) (with art. 4)
- F2** S. 26(3)(b) and preceding word inserted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 160\(1\)\(b\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/987](#), art. 2(a) (with art. 4)
- F3** Words in s. 26(4) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 106](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/987](#), art. 2(c)(i) (with art. 4)
- F4** S. 26(5) inserted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), [ss. 160\(1\)\(c\)](#), 185(1) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/987](#), art. 2(a) (with art. 4)

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- I2** 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))

27 Court's powers on appeal under section 26

- (1) On an appeal under section 26 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 appropriate judge ought to have decided a question before him at the extradition hearing differently;
 - (b) if he had decided the question in the way he ought to have done, he would 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 appropriate judge deciding a question before him at the extradition hearing differently;
 - (c) if he had decided the question in that way, he would have been required to order the person's discharge.
- (5) If the court allows the appeal it must—
 - (a) order the person's discharge;
 - (b) quash the order for his extradition.

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- I3** 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))

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

28 Appeal against discharge at extradition hearing

- (1) If the judge orders a person's discharge at the extradition hearing the authority which issued the Part 1 warrant may appeal to the High Court against the relevant decision.
- (2) But subsection (1) does not apply if the order for the person's discharge was under section 41.
- (3) The relevant decision is the decision which resulted in the order for the person's discharge.
- (4) An appeal under this ^{F5}section—
 - (a) may be brought on a question of law or fact^{F6}, but
 - (b) lies only with the leave of the High Court.]
- (5) [^{F7}Notice of application for leave to appeal] under this section must be given in accordance with rules of court before the end of the permitted period, which is 7 days starting with the day on which the order for the person's discharge is made.

Textual Amendments

- F5** Words in s. 28(4) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), **ss. 160(2)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/987, art. 2(a) (with art. 4)
- F6** S. 28(4)(b) and preceding word inserted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), **ss. 160(2)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/987, art. 2(a) (with art. 4)
- F7** Words in s. 28(5) substituted (15.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), **Sch. 11 para. 107** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/987, art. 2(c)(i) (with art. 4)

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- I4** 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))

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;

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- (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;
 - (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.
- [^{F8}(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.]^{F8}

Textual Amendments

F8 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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I5 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))

30 Detention pending conclusion of appeal under section 28

- (1) This section applies if immediately after the judge orders the person's discharge the judge is informed by the authority which issued the Part 1 warrant that it intends to appeal under section 28.
- (2) The judge must remand the person in custody or on bail while the appeal is pending.
- (3) [^{F9}If the person is remanded in custody, the appropriate judge may] later grant bail.
- (4) An appeal under section 28 ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are discontinued;
 - [^{F10}(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 [^{F11}Supreme Court] ;]
 - (c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [^{F11}Supreme Court] against the decision of the High Court on the appeal is granted [^{F12}, if no appeal to the [^{F11}Supreme Court] is brought before the end of that period];
 - (d) 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).
- [^{F13}(5) The preceding provisions of this section do not apply to Scotland.]

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

Textual Amendments

- F9** Words in s. 30(3) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 16](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F10** S. 30(4)(b) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(2\)\(a\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F11** Words in s. 30 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(a\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F12** Words in s. 30(4)(c) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(2\)\(b\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F13** S. 30(5) substituted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 17\(1\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), [art. 2\(1\)\(b\)](#) (with [art. 4\(1\)](#))

Commencement Information

- I6** 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))

[^{F14} 30A Detention pending conclusion of appeal under section 28: Scotland

- (1) This section applies if immediately after the judge orders the person's discharge the judge is informed by the authority which issued the Part 1 warrant (“ the issuing authority ”) that it intends to appeal under section 28 (“the High Court appeal”).
- (2) The judge must remand the person in custody or on bail while the High Court appeal is pending.
- (3) The High Court appeal ceases to be pending at the earliest of these times—
 - (a) when the proceedings on the appeal are abandoned;
 - [when the decision of the High Court refusing leave to appeal to it becomes final;]
 - ^{F15}(aa) final;]
 - (b) when the High Court—
 - (i) allows the appeal, or
 - (ii) dismisses the appeal.
- [The decision of the High Court refusing leave to appeal to it becomes final when, in
- ^{F16}(3A) accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal (ignoring any power of a court to grant leave to take a step out of time).]
- (4) If—
 - (a) the High Court appeal is dismissed, and
 - (b) immediately after dismissing it, the High Court is informed by the issuing authority that it intends to bring an appeal to the Supreme Court against a determination of a relevant devolution issue (“the Supreme Court appeal”),the High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.
- (5) The Supreme Court appeal ceases to be pending at the earliest of these times—
 - (a) the end of the period of 28 days starting with the day when the High Court appeal is dismissed (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);

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- (b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);
 - (c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);
 - (d) the time when the proceedings on the Supreme Court appeal are abandoned;
 - (e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the issuing authority (ignoring any power of a court to grant leave to take a step out of time).
- (6) If the person is remanded in custody by the judge or the High Court, the High Court may later grant bail.
- (7) In this section “relevant devolution issue” means a devolution issue relating to the person's extradition.
- (8) This section applies only to Scotland.]

Textual Amendments

- F14** S. 30A inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 17\(2\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b) (with art. 4(1))
- F15** S. 30A(3)(aa) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), [3\(2\)\(a\)](#) (with art. 1(4))
- F16** S. 30A(3A) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), [3\(2\)\(b\)](#) (with art. 1(4))

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.

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- (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.

Commencement Information

- I7** 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))

32 Appeal to [^{F17}Supreme Court]^{F17}

- (1) An appeal lies to the [^{F18}Supreme Court]^{F18} from a decision of the High Court on an appeal under section 26 or 28.
- (2) An appeal under this section lies at the instance of—
- (a) the person in respect of whom the Part 1 warrant was issued;
 - (b) the authority which issued the Part 1 warrant.
- (3) An appeal under this section lies only with the leave of the High Court or the [^{F19}Supreme Court]^{F19}.
- (4) Leave to appeal under this section must not be granted unless—
- (a) the High Court has certified that there is a point of law of general public importance involved in the decision, and
 - (b) it appears to the court granting leave that the point is one which ought to be considered by the [^{F20}Supreme Court]^{F20}.
- (5) An application to the High Court for leave to appeal under this section must be made before the end of the permitted period, which is 14 days starting with the day on which the court makes its decision on the appeal to it.
- (6) An application to the [^{F21}Supreme Court]^{F21} for leave to appeal under this section must be made before the end of the permitted period, which is 14 days starting with the day on which the High Court refuses leave to appeal.
- (7) If leave to appeal under this section is granted, the appeal must be brought before the end of the permitted period, which is 28 days starting with the day on which leave is granted.
- (8) If subsection (7) is not complied with—
- (a) the appeal must be taken to have been brought;
 - (b) the appeal must be taken to have been dismissed by the [^{F22}Supreme Court]^{F22} immediately after the end of the period permitted under that subsection.
- (9) These must be ignored for the purposes of subsection (8)(b)—
- (a) any power of a court to extend the period permitted for bringing the appeal;
 - (b) any power of a court to grant leave to take a step out of time.
- [^{F23}(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.]
- ^{F23}(11) Section 5 of the Appellate Jurisdiction Act 1876 (c. 59) (composition of House of Lords for hearing and determination of appeals) applies in relation to an appeal under

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this section or an application for leave to appeal under this section as it applies in relation to an appeal under that Act.

- (12) An order of the House of Lords which provides for an application for leave to appeal under this section to be determined by a committee constituted in accordance with section 5 of the Appellate Jurisdiction Act 1876 may direct that the decision of the committee is taken on behalf of the House.
- (13) The preceding provisions of this section do not apply to Scotland.

Textual Amendments

- F17** Words in s. 32 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F18** Words in s. 32(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F19** Words in s. 32(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F20** Words in s. 32(4)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F21** Words in s. 32(6) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F22** Words in s. 32(8)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(2\); S.I. 2009/1604, art. 2\(d\)](#)
- F23** S. 32(10) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 42, 53, Sch. 13 para. 8\(3\); S.I. 2006/3364, art. 2\(d\)\(e\)](#)

Commencement Information

- I8** 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\(2\)](#))

33 Powers of [^{F24}Supreme Court]^{F24} on appeal under section 32

- (1) On an appeal under section 32 the [^{F25}Supreme Court]^{F25} may—
- allow the appeal;
 - dismiss the appeal.
- (2) Subsection (3) applies if—
- the person in respect of whom the Part 1 warrant was issued brings an appeal under section 32, and
 - the [^{F25}Supreme Court]^{F25} allows the appeal.
- (3) The [^{F25}Supreme Court]^{F25} must—
- order the person's discharge;
 - 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—
- the High Court allows an appeal under section 26 by the person in respect of whom the Part 1 warrant was issued,
 - the authority which issued the warrant brings an appeal under section 32 against the decision of the High Court, and

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- (c) the [F25Supreme Court]^{F25} allows the appeal.
- (5) The [F25Supreme Court]^{F25} must—
- (a) quash the order of the High Court under section 27(5) discharging the person;
 - (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 [F25Supreme Court]^{F25} 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 [F25Supreme Court]^{F25} 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 [F25Supreme Court]^{F25} 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.
- [F26(10) In a case where—
- (a) subsection (5) applies, or
 - (b) subsections (7) and (8) apply,
- the [F25Supreme Court]^{F25} must remand, in custody or on bail, the person in respect of whom the warrant was issued.
- (11) If the [F25Supreme Court]^{F25} remands the person in custody the High Court may later grant bail.]^{F26}

Textual Amendments

- F24** Words in s. 33 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(4\)\(b\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F25** Words in s. 33 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(4\)\(b\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F26** S. 33(10)(11) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 42, 53, Sch. 13 para. 8\(4\)](#); [S.I. 2006/3364, art. 2\(d\)\(e\)](#)

Commencement Information

- I9** 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\(2\)](#))

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

[^{F27} 33ZA Scottish devolution issue: remand in custody or on bail

- (1) This section applies where, on an appeal to the Supreme Court against a determination of a devolution issue relating to a person's extradition under this Part, the Supreme Court—
 - (a) remits the case to the High Court, or
 - (b) orders the person's extradition.
- (2) The Supreme Court must remand the person in custody or on bail pending the person's extradition.
- (3) If the Supreme Court remands the person in custody it may later grant bail.]

Textual Amendments

F27 S. 33ZA inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 20 para. 18** (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b) (with art. 4(2))

[^{F28} 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.]

Textual Amendments

F28 S. 33A inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, **Sch. 13 para. 8(5)**; [S.I. 2006/3364](#), **art. 2(d)(e)**

Commencement Information

I10 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))

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[^{F29}33B Detention pending conclusion of appeals relating to devolution issues

- (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 (“the issuing authority”) that it intends to bring an appeal to the Supreme Court against a determination of a relevant devolution issue (“the Supreme Court appeal”).
- (2) The High Court must remand the person in custody or on bail while the Supreme Court appeal is pending.
- (3) If the court remands the person in custody it may later grant bail.
- (4) The Supreme Court appeal ceases to be pending at the earliest of these times—
 - (a) the end of the period of 28 days starting with the day when the High Court orders the person's discharge (unless, within that period, an application is made to the High Court for permission to make the Supreme Court appeal);
 - (b) the end of the period of 28 days starting with the day when the High Court refuses permission to make the Supreme Court appeal (unless, within that period, an application is made to the Supreme Court for permission to make the Supreme Court appeal);
 - (c) the end of the period of 28 days starting with the day on which permission is given to bring the Supreme Court appeal (unless the appeal is brought within that period);
 - (d) the time when the proceedings on the Supreme Court appeal are abandoned;
 - (e) the time when there is no further step that can be taken in relation to the Supreme Court appeal by the issuing authority (ignoring any power of a court to grant permission to take a step out of time).
- (5) In this section “relevant devolution issue” means a devolution issue relating to the person's extradition.
- (6) This section applies only to Scotland.]

Textual Amendments

F29 S. 33B inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 19](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b) (with art. 4(3))

34 Appeals: general

- [^{F30}(1)]** A decision of the judge under this Part may be questioned in legal proceedings only by means of an appeal under this Part.
- [^{F31}(2)]** Subsection (1) does not prevent an appeal against a determination of a devolution issue.
- (3) In this Part “devolution issue” has the same meaning as in Schedule 6 to the Scotland Act 1998.]

Textual Amendments

F30 Word in s. 34 inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 20](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b)

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

F31 S. 34(2)(3) inserted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 20 para. 20** (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), art. 2(1)(b)

Commencement Information

I11 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))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading:
Appeals.