



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Withdrawal of Part 1 warrant

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\(2\)](#))

41 Withdrawal of warrant before extradition

- (1) This section applies if at any time in the relevant period the appropriate judge is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.
- (2) The relevant period is the period—
 - (a) starting when the person is first brought before the appropriate judge following his arrest under this Part;
 - (b) ending when the person is extradited in pursuance of the warrant or discharged.
- (3) The judge must order the person's discharge.
- (4) If the person is not before the judge at the time the judge orders his discharge, the judge must inform him of the order as soon as practicable.

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Withdrawal of Part 1 warrant. (See end of Document for details)

Commencement Information

- 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))

42 Withdrawal of warrant while^{F1} application or] appeal to High Court pending

(1) This section applies if at any time in the relevant period the High Court is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.

(2) The relevant period is the period—

- (a) starting when ^{F2}notice of application for leave to appeal to the High Court] is given by the person or the authority which issued the warrant;
- (b) ending ^{F3}with the relevant day].

^{F4}(2A) “The relevant day” is—

- (a) if the High Court refuses leave to appeal to it, the day on which the decision to refuse leave becomes final;
- (b) if leave to appeal is given but proceedings on the appeal are discontinued, the day of discontinuance;
- (c) if leave to appeal is given and proceedings on the appeal are not discontinued, the day on which the court makes its decision on the appeal.

For the purposes of paragraph (a), the decision to refuse leave becomes final when, in 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).]

(3) The court must—

- (a) ^{F5}in the case of an application or appeal] under section 26, order the person’s discharge and quash the order for his extradition;
- ^{F6}(b) in the case of an application or appeal under section 28, dismiss the application or appeal.]

(4) If the person is not before the court at the time the court orders his discharge, the court must inform him of the order as soon as practicable.

Textual Amendments

- F1** Words in s. 42 heading inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(a)** (with art. 1(4))
- F2** Words in s. 42(2)(a) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(b)(i)** (with art. 1(4))
- F3** Words in s. 42(2)(b) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(b)(ii)** (with art. 1(4))
- F4** S. 42(2A) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(c)** (with art. 1(4))
- F5** Words in s. 42(3)(a) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(d)(i)** (with art. 1(4))
- F6** S. 42(3)(b) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(d)(ii)** (with art. 1(4))

Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading: Withdrawal of Part 1 warrant. (See end of Document for details)

Commencement Information

- 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))

43 Withdrawal of warrant while appeal to ^{F7}Supreme Court^{F7} pending

- (1) This section applies if at any time in the relevant period the ^{F8}Supreme Court^{F8} is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.
- (2) The relevant period is the period—
 - (a) starting when leave to appeal to the ^{F8}Supreme Court^{F8} is granted to the person or the authority which issued the warrant;
 - (b) ending when proceedings on the appeal are discontinued or the ^{F8}Supreme Court^{F8} makes its decision on the appeal.
- (3) If the appeal is brought by the person in respect of whom the warrant was issued the ^{F8}Supreme Court^{F8} must—
 - (a) order the person's discharge;
 - (b) quash the order for his extradition, in a case where the appeal was against a decision of the High Court to dismiss an appeal under section 26.
- (4) If the appeal is brought by the authority which issued the warrant the ^{F8}Supreme Court^{F8} must dismiss the appeal.
- (5) If the person is not before the ^{F8}Supreme Court^{F8} at the time it orders his discharge, the ^{F8}Supreme Court^{F8} must inform him of the order as soon as practicable.

Textual Amendments

- F7** Words in s. 43 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(4\)\(d\)](#); S.I. 2009/1604, **art. 2(d)**
- F8** Words in s. 43 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(4\)\(d\)](#); S.I. 2009/1604, **art. 2(d)**

Commencement Information

- 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))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Cross Heading:
Withdrawal of Part 1 warrant.