



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Withdrawal of Part 1 warrant*

#### **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appropriate judge is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.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.

#### **42 Withdrawal of warrant while 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the High Court is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.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 notice of an appeal to the court is given by the person or the authority which issued the warrant;

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*Status: This is the original version (as it was originally enacted).*

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- (b) ending when proceedings on the appeal are discontinued or the court makes its decision on the appeal.
- (3) The court must—
  - (a) if the appeal is under section 26, order the person’s discharge and quash the order for his extradition;
  - (b) if the appeal is under section 28, dismiss the 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.

#### **43      Withdrawal of warrant while appeal to House of Lords pending**

- (1) This section applies if at any time in the relevant period the House of Lords is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.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 House of Lords is granted to the person or the authority which issued the warrant;
  - (b) ending when proceedings on the appeal are discontinued or the House of Lords makes its decision on the appeal.
- (3) If the appeal is brought by the person in respect of whom the warrant was issued the House of Lords 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 House of Lords must dismiss the appeal.
- (5) If the person is not before the House of Lords at the time it orders his discharge, the House of Lords must inform him of the order as soon as practicable.