



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Appeals*

#### **107 Detention pending conclusion of appeal under section 105**

- (1) This section applies if immediately after the judge orders the person's discharge the judge is informed on behalf of the category 2 territory of an intention to appeal under section 105.
- (2) The judge must remand the person in custody or on bail while the appeal is pending.
- (3) If the judge remands the person in custody he may later grant bail.
- (4) An appeal under section 105 ceases to be pending at the earliest of these times—
  - (a) when the proceedings on the appeal are discontinued;
  - (b) when the High Court dismisses the appeal, if the court is not 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;
  - (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 "if" to the end;
  - (b) omit subsection (4)(c).