



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

109 Court's powers on appeal under section 108

- (1) On an appeal under section 108 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 Secretary of State ought to have decided a question before him differently;
 - (b) if he had decided the question in the way he ought to have done, he would not have ordered the person's extradition.
- (4) The conditions are that—
 - (a) an issue is raised that was not raised when the case was being considered by the Secretary of State or information is available that was not available at that time;
 - (b) the issue or information would have resulted in the Secretary of State deciding a question before him differently;
 - (c) if he had decided the question in that way, he would not have ordered the person's extradition.
- (5) If the court allows the appeal it must—
 - (a) order the person's discharge;
 - (b) quash the order for his extradition.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 109. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 109(2)-(4) excluded (E.W.N.I.) (14.10.2013) by [The Extradition Appeals \(England and Wales and Northern Ireland\) Order 2013 \(S.I. 2013/2384\)](#), arts. 1(b), **3(2)** (with art. 4)
- C2** S. 109(2)-(4) excluded (S.) (13.3.2024) by [The Extradition Appeals \(Scotland\) Order 2024 \(S.I. 2024/172\)](#), arts. 1(2), **3(2)** (with art. 4)

Commencement Information

- I1** 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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