



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

112 Detention pending conclusion of appeal under section 110

- (1) This section applies if immediately after the Secretary of State orders the person's discharge under this Part the Secretary of State is informed on behalf of the category 2 territory of an intention to appeal under section 110.
- (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 110 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).