



Extradition Act 2003

2003 CHAPTER 41

PART 2

EXTRADITION TO CATEGORY 2 TERRITORIES

Appeals

115 Powers of [F¹Supreme Court]^{F1} on appeal under section 114

- (1) On an appeal under section 114 the [F²Supreme Court]^{F2} may—
 - (a) allow the appeal;
 - (b) dismiss the appeal.
- (2) Subsection (3) applies if—
 - (a) the person whose extradition is requested brings an appeal under section 114, and
 - (b) the [F²Supreme Court]^{F2} allows the appeal.
- (3) The [F²Supreme Court]^{F2} must—
 - (a) order the person's discharge;
 - (b) quash the order for his extradition, if the appeal was against a decision of the High Court to dismiss an appeal under section 103 or 108 or to allow an appeal under section 110.
- (4) Subsection (5) applies if—
 - (a) the High Court allows an appeal under section 103 or 108 by the person whose extradition is requested or dismisses an appeal under section 110 by a person acting on behalf of the category 2 territory,
 - (b) a person acting on behalf of the category 2 territory brings an appeal under section 114 against the decision of the High Court, and
 - (c) the [F²Supreme Court]^{F2} allows the appeal.
- (5) The [F²Supreme Court]^{F2} must—

*Changes to legislation: There are currently no known outstanding effects
 for the Extradition Act 2003, Section 115. (See end of Document for details)*

- (a) quash the order discharging the person made by the High Court under section 104(5) or 109(5) or by the Secretary of State under this Part;
 - (b) order the person to be extradited to the category 2 territory.
- (6) Subsection (7) applies if—
- (a) the High Court dismisses an appeal under section 105 against a decision made by the judge at the extradition hearing,
 - (b) a person acting on behalf of the category 2 territory brings an appeal under section 114 against the decision of the High Court, and
 - (c) the [F2Supreme Court]^{F2} allows the appeal.
- (7) The [F2Supreme Court]^{F2} must—
- (a) quash the order of the judge discharging the person whose extradition is requested;
 - (b) remit the case to the judge;
 - (c) direct him to proceed as he would have been required to do if he had decided the relevant question differently at the extradition hearing.
- (8) A question is the relevant question if the judge’s decision on it resulted in the order for the person’s discharge.
- [F3(9) In a case where subsection (5) or (7) applies, the [F2Supreme Court]^{F2} must remand, in custody or on bail, the person whose extradition is requested.
- (10) If the [F2Supreme Court]^{F2} remands the person in custody the High Court may later grant bail.]^{F3}

Textual Amendments

- F1** Words in s. 115 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(i\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F2** Words in s. 115 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(i\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F3** S. 115(9)(10) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(12\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)

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))

Changes to legislation:

There are currently no known outstanding effects for the Extradition Act 2003, Section 115.