



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Time for extradition*

#### **117 Extradition where no appeal**

- [<sup>F1</sup>(1) This section applies if the Secretary of State orders a person's extradition to a category 2 territory under this Part and either—
- (a) no notice of application for leave to appeal under section 103 or 108 is given before the end of the permitted period, or
  - (b) notice is given during that period but the High Court refuses leave to appeal to it.]
- (2) The person must be extradited to the category 2 territory before the end of the required period, which is 28 days starting with —
- [<sup>F2</sup>(a) the day on which the Secretary of State makes the extradition order (where subsection (1)(a) applies and no order is made under section 118A or 118B),
  - (b) the day on which the decision of the High Court refusing leave to appeal to it becomes final (where subsection (1)(b) applies and no order is made under section 118A or 118B), or
  - (c) the earliest day on which the extradition order may be carried out (where an order is made under section 118A or 118B).]
- [<sup>F3</sup>(2A) The decision of the High Court refusing leave to appeal to it becomes final when, in accordance with rules of court, there is no further step that can be taken in relation to the application for leave to appeal.]
- (3) If subsection (2) is not complied with and the person applies to the appropriate judge to be discharged the judge must order his discharge, unless reasonable cause is shown for the delay.

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 117. (See end of Document for details)*

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- (4) These must be ignored for the purposes of [<sup>F4</sup>subsections (1) to (2A)]—
- (a) any power of a court to extend the period permitted for giving [<sup>F5</sup>notice of application for leave to appeal];
  - (b) any power of a court to grant leave to take a step out of time.
- [<sup>F6</sup>(5) [<sup>F7</sup>If leave to appeal to the High Court is granted on an application notice of which was given after the end of the permitted period], this section ceases to apply (but section 118 applies instead).]
- [<sup>F8</sup>(6) In this section, “permitted period” means 14 days starting with the day on which the Secretary of State informs the person under section 100(1) that he has ordered his extradition.]

#### Textual Amendments

- F1** S. 117(1) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(a)** (with art. 1(4))
- F2** S. 117(2)(a)-(c) substituted for s. 117(2)(b)(c) (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(b)** (with art. 1(4))
- F3** S. 117(2A) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(c)** (with art. 1(4))
- F4** Words in s. 117(4) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(d)(i)** (with art. 1(4))
- F5** Words in s. 117(4) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(d)(ii)** (with art. 1(4))
- F6** S. 117(5) inserted (29.7.2013 for E.W., 14.10.2013 for N.I.) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 20 para. 13** (with Sch. 20 para. 1415); S.I. 2013/1682, art. 2(2)(b); S.I. 2013/2349, art. 2(4)
- F7** Words in s. 117(5) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(e)** (with art. 1(4))
- F8** S. 117(6) inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(10)(f)** (with art. 1(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))

**Changes to legislation:**

There are currently no known outstanding effects for the Extradition Act 2003, Section 117.