



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Appeals*

### **30 Detention pending conclusion of appeal under section 28**

- (1) This section applies if immediately after the judge orders the person's discharge the judge is informed by the authority which issued the Part 1 warrant that it intends to appeal under section 28.
- (2) The judge must remand the person in custody or on bail while the appeal is pending.
- (3) [<sup>F1</sup>If the person is remanded in custody, the appropriate judge may] later grant bail.
- (4) An appeal under section 28 ceases to be pending at the earliest of these times—
  - (a) when the proceedings on the appeal are discontinued;
  - [<sup>F2</sup>(b) when the High Court—
    - (i) allows the appeal, or
    - (ii) dismisses the appeal,unless, where the appeal is dismissed, the authority immediately informs the court that it intends to apply for leave to appeal to the [<sup>F3</sup> Supreme Court ] ; ]
  - (c) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [<sup>F3</sup>Supreme Court] against the decision of the High Court on the appeal is granted [<sup>F4</sup>, if no appeal to the [<sup>F3</sup>Supreme Court] is brought before the end of that period];
  - (d) when there is no further step that can be taken by the authority which issued the Part 1 warrant in relation to the appeal (ignoring any power of a court to grant leave to take a step out of time).

[<sup>F5</sup>(5) The preceding provisions of this section do not apply to Scotland.]

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 30. (See end of Document for details)*

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#### Textual Amendments

- F1** Words in s. 30(3) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 16](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F2** S. 30(4)(b) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(2\)\(a\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F3** Words in s. 30 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(a\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F4** Words in s. 30(4)(c) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 42, 53, [Sch. 13 para. 8\(2\)\(b\)](#); [S.I. 2006/3364](#), [art. 2\(d\)\(e\)](#)
- F5** S. 30(5) substituted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 17\(1\)](#) (with [Sch. 20 para. 29](#)); [S.I. 2013/1682](#), [art. 2\(1\)\(b\)](#) (with [art. 4\(1\)](#))

#### 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 30.