



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Appeals*

### **33 Powers of [F<sup>1</sup>Supreme Court]<sup>F1</sup> on appeal under section 32**

- (1) On an appeal under section 32 the [F<sup>2</sup>Supreme Court]<sup>F2</sup> may—
  - (a) allow the appeal;
  - (b) dismiss the appeal.
- (2) Subsection (3) applies if—
  - (a) the person in respect of whom the Part 1 warrant was issued brings an appeal under section 32, and
  - (b) the [F<sup>2</sup>Supreme Court]<sup>F2</sup> allows the appeal.
- (3) The [F<sup>2</sup>Supreme Court]<sup>F2</sup> 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 26.
- (4) Subsection (5) applies if—
  - (a) the High Court allows an appeal under section 26 by the person in respect of whom the Part 1 warrant was issued,
  - (b) the authority which issued the warrant brings an appeal under section 32 against the decision of the High Court, and
  - (c) the [F<sup>2</sup>Supreme Court]<sup>F2</sup> allows the appeal.
- (5) The [F<sup>2</sup>Supreme Court]<sup>F2</sup> must—
  - (a) quash the order of the High Court under section 27(5) discharging the person;

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*Changes to legislation: There are currently no known outstanding effects for the Extradition Act 2003, Section 33. (See end of Document for details)*

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- (b) order the person to be extradited to the category 1 territory in which the warrant was issued.
- (6) Subsections (7) and (8) apply if—
- (a) the High Court dismisses an appeal under section 28 against a decision made by the judge at the extradition hearing,
  - (b) the authority which issued the Part 1 warrant brings an appeal under section 32 against the decision of the High Court, and
  - (c) the [F2Supreme Court]<sup>F2</sup> allows the appeal.
- (7) If the judge would have been required to order the person in respect of whom the warrant was issued to be extradited had he decided the relevant question differently, the [F2Supreme Court]<sup>F2</sup> must—
- (a) quash the order of the judge discharging the person;
  - (b) order the person to be extradited to the category 1 territory in which the warrant was issued.
- (8) In any other case, the [F2Supreme Court]<sup>F2</sup> must—
- (a) quash the order of the judge discharging the person in respect of whom the warrant was issued;
  - (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.
- (9) A question is the relevant question if the judge’s decision on it resulted in the order for the person’s discharge.
- [F3(10) In a case where—
- (a) subsection (5) applies, or
  - (b) subsections (7) and (8) apply,
- the [F2Supreme Court]<sup>F2</sup> must remand, in custody or on bail, the person in respect of whom the warrant was issued.
- (11) If the [F2Supreme Court]<sup>F2</sup> remands the person in custody the High Court may later grant bail.]<sup>F3</sup>

#### **Textual Amendments**

- F1** Words in s. 33 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(4\)\(b\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F2** Words in s. 33 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(4\)\(b\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F3** S. 33(10)(11) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 42, 53, Sch. 13 para. 8\(4\)](#); 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 33.