



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Time for extradition

36 Extradition following appeal

- (1) This section applies if—
- there is an appeal to the High Court under section 26 against an order for a person's extradition to a category 1 territory, and
 - the effect of the decision of the relevant court on the appeal is that the person is to be extradited there.
- (2) The person must be extradited to the category 1 territory before the end of the required period.
- (3) The required period is—
- 10 days starting with the day on which the decision of the relevant court on the appeal becomes final or proceedings on the appeal are discontinued, or
 - if the relevant court and the authority which issued the Part 1 warrant agree a later date, 10 days starting with the later date.
- [^{F1}(3A) If the day referred to in paragraph (a) of subsection (3) is earlier than the earliest day on which, by reason of an order under section 36A or 36B, the extradition order may be carried out (“the postponed date”), that paragraph has effect as if it referred instead to the postponed date.]
- (4) The relevant court is—
- the High Court, if there is no appeal to the [^{F2}Supreme Court] against the decision of the High Court on the appeal;
 - the [^{F2}Supreme Court], if there is such an appeal.

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 36. (See end of Document for details)*

- (5) The decision of the High Court on the appeal becomes final—
- (a) when the period permitted for applying to the High Court for leave to appeal to the [F²Supreme Court] ends, if there is no such application;
 - (b) when the period permitted for applying to the [F²Supreme Court] for leave to appeal to it ends, if the High Court refuses leave to appeal and there is no application to the [F²Supreme Court] for leave to appeal;
 - (c) when the [F²Supreme Court] refuses leave to appeal to it;
 - (d) at the end of the permitted period, which is 28 days starting with the day on which leave to appeal to the [F²Supreme Court] is granted, if no such appeal is brought before the end of that period.
- (6) These must be ignored for the purposes of subsection (5)—
- (a) any power of a court to extend the period permitted for applying for leave to appeal;
 - (b) any power of a court to grant leave to take a step out of time.
- (7) The decision of the [F²Supreme Court] on the appeal becomes final when it is made.
- (8) 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.
- [F³(9) The preceding provisions of this section do not apply to Scotland.]

Textual Amendments

- F1** S. 36(3A) inserted (21.7.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 109](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/1916, art. 2(t)
- F2** Words in s. 36 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 81\(4\)\(c\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F3** S. 36(9) substituted (29.7.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 20 para. 21\(1\)](#) (with [Sch. 20 para. 29](#)); S.I. 2013/1682, art. 2(1)(b) (with art. 4(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 36.