



Extradition Act 2003

2003 CHAPTER 41

PART 1

EXTRADITION TO CATEGORY 1 TERRITORIES

Withdrawal of Part 1 warrant

42 Withdrawal of warrant while^[F1] application or] appeal to High Court pending

- (1) This section applies if at any time in the relevant period the High Court is informed by the designated authority that a Part 1 warrant issued in respect of a person has been withdrawn.
- (2) The relevant period is the period—
 - (a) starting when ^[F2]notice of application for leave to appeal to the High Court] is given by the person or the authority which issued the warrant;
 - (b) ending ^[F3]with the relevant day].

^[F4](2A) “The relevant day” is—

- (a) if the High Court refuses leave to appeal to it, the day on which the decision to refuse leave becomes final;
- (b) if leave to appeal is given but proceedings on the appeal are discontinued, the day of discontinuance;
- (c) if leave to appeal is given and proceedings on the appeal are not discontinued, the day on which the court makes its decision on the appeal.

For the purposes of paragraph (a), the decision to refuse leave 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 (ignoring any power of a court to grant leave to take a step out of time).]

- (3) The court must—
 - (a) ^[F5]in the case of an application or appeal] under section 26, order the person’s discharge and quash the order for his extradition;

*Changes to legislation: There are currently no known outstanding effects
for the Extradition Act 2003, Section 42. (See end of Document for details)*

[^{F6}(b) in the case of an application or appeal under section 28, dismiss the application or appeal.]

(4) If the person is not before the court at the time the court orders his discharge, the court must inform him of the order as soon as practicable.

Textual Amendments

- F1** Words in s. 42 heading inserted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(a)** (with art. 1(4))
- F2** Words in s. 42(2)(a) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(b)(i)** (with art. 1(4))
- F3** Words in s. 42(2)(b) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(b)(ii)** (with art. 1(4))
- F4** S. 42(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(6)(c)** (with art. 1(4))
- F5** Words in s. 42(3)(a) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(d)(i)** (with art. 1(4))
- F6** S. 42(3)(b) substituted (15.4.2015) by [The Extradition Act 2003 \(Amendment to Designations and Appeals\) Order 2015 \(S.I. 2015/992\)](#), arts. 1(1), **3(6)(d)(ii)** (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 42.