

*These notes refer to the Extradition Act 2003 (c.41)
which received Royal Assent on 20th November 2003*

EXTRADITION ACT 2003

EXPLANATORY NOTES

TERRITORIAL APPLICATION: WALES

Part 2

Extradition to Category 2 Territories

Section 111: Court's powers on appeal under section 110

318. This section sets out the powers available to the High Court on an appeal by a category 2 territory against a decision not to order a person's extradition.
319. The High Court may allow or dismiss the appeal (*subsection (1)*). The court may only allow the appeal if the conditions in *subsection (3)* or the conditions in *subsection (4)* are met (*subsection (2)*). The conditions in *subsection (3)* are that the Secretary of State should have decided a question before him differently and, if he had done so, would not have ordered the person's extradition. The conditions in *subsection (4)* are that:
- an issue or information is raised or available that was not raised or available to the Secretary of State at the time;
 - the issue or information would have resulted in the Secretary of State deciding a question differently; and
 - this would have resulted in a decision to order the person's extradition.
320. The court must quash the order to discharge the person and order his extradition if it allows the appeal (*subsection (5)*).