



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 1

#### EXTRADITION TO CATEGORY 1 TERRITORIES

##### *Costs*

#### **60 Costs where extradition ordered**

- (1) This section applies if any of the following occurs in relation to a person in respect of whom a Part 1 warrant is issued—
  - (a) an order for the person's extradition is made under this Part;
  - (b) the High Court dismisses an appeal under section 26;
  - (c) the High Court or the House of Lords dismisses an application for leave to appeal to the House of Lords under section 32, if the application is made by the person;
  - (d) the House of Lords dismisses an appeal under section 32, if the appeal is brought by the person.
- (2) In a case falling within subsection (1)(a), the appropriate judge may make such order as he considers just and reasonable with regard to the costs to be paid by the person.
- (3) In a case falling within subsection (1)(b), (c) or (d), the court by which the application or appeal is dismissed may make such order as it considers just and reasonable with regard to the costs to be paid by the person.
- (4) An order for costs under this section—
  - (a) must specify their amount;
  - (b) may name the person to whom they are to be paid.

## 61 Costs where discharge ordered

- (1) This section applies if any of the following occurs in relation to a person in respect of whom a Part 1 warrant is issued—
  - (a) an order for the person's discharge is made under this Part;
  - (b) the person is taken to be discharged under this Part;
  - (c) the High Court dismisses an appeal under section 28;
  - (d) the High Court or the House of Lords dismisses an application for leave to appeal to the House of Lords under section 32, if the application is made by the authority which issued the warrant;
  - (e) the House of Lords dismisses an appeal under section 32, if the appeal is brought by the authority which issued the warrant.
- (2) In a case falling within subsection (1)(a), an order under subsection (5) in favour of the person may be made by—
  - (a) the appropriate judge, if the order for the person's discharge is made by him;
  - (b) the High Court, if the order for the person's discharge is made by it;
  - (c) the House of Lords, if the order for the person's discharge is made by it.
- (3) In a case falling within subsection (1)(b), the appropriate judge may make an order under subsection (5) in favour of the person.
- (4) In a case falling within subsection (1)(c), (d) or (e), the court by which the application or appeal is dismissed may make an order under subsection (5) in favour of the person.
- (5) An order under this subsection in favour of a person is an order for a payment of the appropriate amount to be made to the person out of money provided by Parliament.
- (6) The appropriate amount is such amount as the judge or court making the order under subsection (5) considers reasonably sufficient to compensate the person in whose favour the order is made for any expenses properly incurred by him in the proceedings under this Part.
- (7) But if the judge or court making an order under subsection (5) is of the opinion that there are circumstances which make it inappropriate that the person in whose favour the order is made should recover the full amount mentioned in subsection (6), the judge or court must—
  - (a) assess what amount would in his or its opinion be just and reasonable;
  - (b) specify that amount in the order as the appropriate amount.
- (8) Unless subsection (7) applies, the appropriate amount—
  - (a) must be specified in the order, if the court considers it appropriate for it to be so specified and the person in whose favour the order is made agrees the amount;
  - (b) must be determined in accordance with regulations made by the Lord Chancellor for the purposes of this section, in any other case.

## 62 Costs where discharge ordered: supplementary

- (1) In England and Wales, subsections (1) and (3) of section 20 of the Prosecution of Offences Act 1985 (c. 23) (regulations for carrying Part 2 of that Act into effect) apply in relation to section 61 as those subsections apply in relation to Part 2 of that Act.

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*Status: This is the original version (as it was originally enacted).*

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- (2) As so applied those subsections have effect as if an order under section 61(5) were an order under Part 2 of that Act for a payment to be made out of central funds.
- (3) In Northern Ireland, section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10) (rules relating to costs) applies in relation to section 61 as that section applies in relation to sections 2 to 5 of that Act.