



# Extradition Act 2003

## 2003 CHAPTER 41

### PART 2

#### EXTRADITION TO CATEGORY 2 TERRITORIES

##### *Appeals*

#### **114 Appeal to [<sup>F1</sup>Supreme Court]<sup>F1</sup>**

- (1) An appeal lies to the [<sup>F2</sup>Supreme Court]<sup>F2</sup> from a decision of the High Court on an appeal under section 103, 105, 108 or 110.
- (2) An appeal under this section lies at the instance of—
  - (a) the person whose extradition is requested;
  - (b) a person acting on behalf of the category 2 territory.
- (3) An appeal under this section lies only with the leave of the High Court or the [<sup>F3</sup>Supreme Court]<sup>F3</sup>.
- (4) Leave to appeal under this section must not be granted unless—
  - (a) the High Court has certified that there is a point of law of general public importance involved in the decision, and
  - (b) it appears to the court granting leave that the point is one which ought to be considered by the [<sup>F4</sup>Supreme Court]<sup>F4</sup>.
- (5) An application to the High Court for leave to appeal under this section must be made before the end of the permitted period, which is 14 days starting with the day on which the court makes its decision on the appeal to it.
- (6) An application to the [<sup>F5</sup>Supreme Court]<sup>F5</sup> for leave to appeal under this section must be made before the end of the permitted period, which is 14 days starting with the day on which the High Court refuses leave to appeal.

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*Changes to legislation: There are currently no known outstanding effects  
for the Extradition Act 2003, Section 114. (See end of Document for details)*

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- (7) If leave to appeal under this section is granted, the appeal must be brought before the end of the permitted period, which is 28 days starting with the day on which leave is granted.
- (8) If subsection (7) is not complied with—
- (a) the appeal must be taken to have been brought;
  - (b) the appeal must be taken to have been dismissed by the [<sup>F6</sup>Supreme Court]<sup>F6</sup> immediately after the end of the period permitted under that subsection.
- (9) These must be ignored for the purposes of subsection (8)(b)—
- (a) any power of a court to extend the period permitted for bringing the appeal;
  - (b) any power of a court to grant leave to take a step out of time.
- [<sup>F7</sup>(10) The High Court may grant bail to a person appealing under this section, or applying for leave to appeal under this section, against the dismissal of his appeal under section 103 or 108.]
- <sup>F7</sup>(11) Section 5 of the Appellate Jurisdiction Act 1876 (c. 59) (composition of House of Lords for hearing and determination of appeals) applies in relation to an appeal under this section or an application for leave to appeal under this section as it applies in relation to an appeal under that Act.
- (12) An order of the House of Lords which provides for an application for leave to appeal under this section to be determined by a committee constituted in accordance with section 5 of the Appellate Jurisdiction Act 1876 may direct that the decision of the committee is taken on behalf of the House.
- (13) The preceding provisions of this section do not apply to Scotland.

#### Textual Amendments

- F1** Words in s. 114 sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F2** Words in s. 114(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F3** Words in s. 114(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F4** Words in s. 114(4)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F5** Words in s. 114(6) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F6** Words in s. 114(8)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 81\(3\); S.I. 2009/1604, art. 2\(d\)](#)
- F7** S. 114(10) substituted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 42, 53, Sch. 13 para. 8\(11\); 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 114.