STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 50

EXTRADITION

EVIDENCE AT EXTRADITION HEARING

Introduction of additional evidence

50.15.—(1) Where a party wants to introduce evidence at an extradition hearing under the law that would apply if that hearing were a trial, the relevant Part of these Rules applies with such adaptations as the court directs.

(2) If the court admits as evidence the written statement of a witness—

(a) each relevant part of the statement must be read or summarised aloud; or

(b) the court must read the statement and its gist must be summarised aloud.

(3) If a party introduces in evidence a fact admitted by another party, or the parties jointly admit a fact, a written record must be made of the admission.

[Note. The admissibility of evidence that a party introduces is governed by rules of evidence.

Under section 202 of the Extradition Act 2003(**1**)*, the court may receive in evidence—*

(a) *a warrant to which Part 1 of the Act applies;*

(b) *any other document issued in a territory to which Part 1 of the Act applies, if the document is authenticated as required by the Act;*

(c) *a document issued in a territory to which Part 2 of the Act applies, if the document is authenticated as required by the Act.*

Under sections 84 and 86 of the Act, which apply to evidence, if required, at an extradition hearing to which Part 2 of the Act applies, the court may accept as evidence of a fact a statement by a person in a document if oral evidence by that person of that fact would be admissible, and the statement was made to a police officer, or to someone else responsible for investigating offences or charging offenders.

Under section 205 of the Act, section 9 (proof by written witness statement) and section 10 (proof by formal admission) of the Criminal Justice Act 1967(**2**) *apply to extradition proceedings as they apply in relation to proceedings for an offence.]*

(**1**) 2003 c. 41; section 202 was amended by paragraph 26 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

(**2**) 1967 c. 80; section 9 was amended by section 56 of, and paragraph 49 of Schedule 8 to, the Courts Act 1971 (c. 23), section 168 of, and paragraph 6 of Schedule 9 to, the Criminal Justice and Public Order Act 1994 (c. 33), section 69 of the Criminal Procedure and Investigations Act 1996 (c. 25), regulation 9 of, and paragraph 4 of Schedule 5 to, S.I. 2001/1090, paragraph 43 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), section 26 of, and paragraph 7 of Schedule 2 to, the Armed Forces Act 2011 (c. 18) and section 80 of the Deregulation Act 2015 (c. 20). It is further amended by section 72 of, and paragraph 55 of Schedule 5 to, the Children and Young Persons Act 1969 (c. 54) and section 65 of, and paragraph 1 of Schedule 4 to, the Courts Act 2003 (c. 39), with effect from dates to be appointed.