
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 47

INVESTIGATION ORDERS AND WARRANTS

ORDERS UNDER THE EXTRADITION ACT 2003

Application for a production order under the Extradition Act 2003

47.23.—(1) This rule applies where an applicant wants the court to make an order to which rule 47.4(e) refers.

(2) As well as complying with rule 47.6 (Application for order: general rules), the application must—

- (a) identify the person whose extradition is sought;
- (b) specify the extradition offence of which that person is accused;
- (c) identify the respondent; and
- (d) describe the special procedure or excluded material sought.

(3) In relation to the person whose extradition is sought, the application must explain the grounds for believing that—

- (a) that person has committed the offence for which extradition is sought;
- (b) that offence is an extradition offence; and
- (c) that person is in the United Kingdom or is on the way to the United Kingdom.

(4) In relation to the material sought, the application must—

- (a) specify the premises on which the material is believed to be;
- (b) explain the grounds for believing that—
 - (i) the material is on those premises,
 - (ii) the material consists of or includes special procedure or excluded material, and
 - (iii) the material would be likely to be admissible evidence at a trial in England and Wales for the offence for which extradition is sought;
- (c) explain what other methods of obtaining the material—
 - (i) have been tried without success, or
 - (ii) have not been tried because they appeared bound to fail; and
- (d) explain why it is in the public interest for the respondent to produce or give access to the material.

(5) The application must propose—

- (a) the terms of the order, and

(b) the period within which it should take effect.

[Note. See sections 157 and 158 of the Extradition Act 2003(1). Under those provisions—

(c) ‘special procedure material’ means the same as under section 14 of the Police and Criminal Evidence Act 1984; and

(d) ‘excluded material’ means the same as under section 11 of the 1984 Act.

The applicant for a production order must be a constable.

The period within which an order takes effect must be specified in the order and, unless the court considers a longer period appropriate, must be 7 days from the date of the order.]

(1) 2003 c. 41; section 157 was amended by section 174 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).