
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 2

**UNDERSTANDING AND APPLYING THE RULES
AND POWERS OF AUTHORISED COURT OFFICERS**

POWERS OF AUTHORISED COURT OFFICERS

Exercise of functions of the High Court

2.6.—(1) This rule provides for the exercise by an authorised court officer of relevant judicial functions of the High Court in relation to its jurisdiction under the Extradition Act 2003⁽¹⁾.

(2) An authorised court officer may exercise any such function of the High Court to which the rules in Section 3 of Part 50 apply (Extradition; Appeal to the High Court), subject to—

- (a) rule 2.4; and
- (b) paragraph (3) of this rule.

(3) No court officer may—

- (a) grant or withhold bail;
- (b) impose or vary a condition of bail; or

(c) reopen a decision which determines an appeal or an application for permission to appeal, unless paragraph (4) applies.

(4) If making a decision to which the parties have agreed in writing, an authorised court officer may—

- (a) give or refuse permission to appeal;
- (b) determine an appeal;
- (c) grant or withhold bail; or
- (d) impose or vary a condition of bail.

(5) Paragraph (6) of this rule—

- (a) applies where a party wants a judge to reconsider a decision made by an authorised court officer; but
- (b) does not apply where such an officer agrees to postpone the date on which the required period for extradition begins under section 36(3) of the Extradition Act 2003⁽²⁾.

(6) Such a party must—

⁽¹⁾ 2003 c. 41.

⁽²⁾ 2003 c. 41; section 36 was amended by section 40 of, and paragraph 81 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).

- (a) apply for such a reconsideration as soon as reasonably practicable, and in any event no later than the earlier of—
 - (i) the next hearing before a judge, or
 - (ii) the fifth business day after the date on which notice of the decision is served on the applicant;
 - (b) unless the application is made at a hearing, serve the application on—
 - (i) the court officer, and
 - (ii) each other party (if any) affected by the decision; and
 - (c) in the application—
 - (i) specify the decision in issue,
 - (ii) explain why it is appropriate for the decision to be reconsidered and what decision the applicant thinks would be appropriate, and
 - (iii) ask for a hearing, if one is wanted, and explain why it is needed.
- (7) The judge may determine the application—
- (a) at a hearing (which may be in public or private), or without a hearing; and
 - (b) in the absence of—
 - (i) the applicant,
 - (ii) each other party (if any) affected by the decision.
- (8) But the judge must not determine the application in the absence of an affected party unless that party has had—
- (a) such notice as the nature and urgency of the application permits; and
 - (b) a reasonable opportunity to make written representations.

[Note. See also—

- (a) *rule 2.4, which makes general rules about the exercise of judicial functions by authorised court officers;*
- (b) *rule 2.10, which provides for extension of the time limit under this rule;*
- (c) *rule 3.6 (Application to vary a direction); and*
- (d) *rule 50.18 (Case management in the High Court).*

For the functions of the High Court for which this rule provides, see the introductory note to Section 3 of Part 50. See also rule 50.30 for the constitution of the High Court when exercising the powers to which that Section of that Part applies.

Under section 36 of the Extradition Act 2003, where an extradition order has been made under Part 1 of the Act and the outcome of an appeal by the defendant is that he or she is to be extradited, then unless the requesting authority and the High Court agree to postpone that starting date the defendant must be removed to the requesting territory within 10 days starting with the day on which the decision of the relevant court on the appeal becomes final or proceedings on the appeal are discontinued.]