
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 50

EXTRADITION

SECTION 3: APPEAL TO THE HIGH COURT

Appeal hearing

50.23.—(1) Unless the High Court otherwise directs, where the appeal to the High Court is under Part 1 of the Extradition Act 2003 the hearing of the appeal must begin no more than 40 days after the defendant's arrest.

(2) Unless the High Court otherwise directs, where the appeal to the High Court is under Part 2 of the 2003 Act the hearing of the appeal must begin no more than 76 days after the later of—

- (a) service of the appeal notice; or
- (b) the day on which the Secretary of State informs the defendant of the Secretary of State's order, in a case in which—
 - (i) the appeal is by the defendant against an order by the magistrates' court sending the case to the Secretary of State, and
 - (ii) the appeal notice is served before the Secretary of State decides whether the defendant should be extradited.

(3) If the effect of the decision of the High Court on the appeal is that the defendant is to be extradited—

- (a) the High Court must consider any ancillary application, including an application about—
 - (i) bail pending extradition,
 - (ii) reporting restrictions, or
 - (iii) costs; and
- (b) the High Court is the appropriate court to order a postponement of the defendant's extradition where—
 - (i) the defendant has been charged with an offence in the United Kingdom, or
 - (ii) the defendant has been sentenced to imprisonment or detention in the United Kingdom.

(4) If the effect of the decision of the High Court on the appeal is that the defendant is discharged, the High Court must consider any ancillary application, including an application about—

- (a) reporting restrictions; or
- (b) costs.

[Note. Under sections 31 and 113 of the Extradition Act 2003(1), if the appeal hearing does not begin within the period prescribed by this rule or ordered by the High Court the appeal must be taken to have been dismissed by decision of the High Court.

Under section 103 of the Extradition Act 2003(2), a defendant's appeal against an order by the magistrates' court sending the case to the Secretary of State must not be heard until after the Secretary of State has decided whether to order the defendant's extradition.

Part 6 contains rules about reporting restrictions. Part 45 contains rules about costs.

See sections 36A, 36B, 118A and 118B Extradition Act 2003(3). Where there is an appeal against an order for extradition, rules may provide that the appeal court may exercise the power under those sections to postpone the extradition.]

(1) 2003 c. 41.
(2) 2003 c. 41; section 103 was amended by section 160 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
(3) 2003 c. 41; sections 36A, 36B, 118A and 118B were inserted by section 161 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).