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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 50**

**EXTRADITION**

*SECTION 3: APPEAL TO THE HIGH COURT*

**Declaration of incompatibility with a Convention right**

- 50.28.**—(1) This rule applies where a party—
- (a) wants the High Court to make a declaration of incompatibility with a Convention right under section 4 of the Human Rights Act 1998(1); or
  - (b) raises an issue that appears to the High Court may lead to the court making such a declaration.
- (2) If the High Court so directs, the High Court officer must serve notice on—
- (a) the relevant person named in the list published under section 17(1) of the Crown Proceedings Act 1947(2); or
  - (b) the Treasury Solicitor, if it is not clear who is the relevant person.
- (3) That notice must include or attach details of—
- (a) the legislation affected and the Convention right concerned;
  - (b) the parties to the appeal; and
  - (c) any other information or document that the High Court thinks relevant.
- (4) A person who has a right under the 1998 Act to become a party to the appeal must—
- (a) serve notice on—
    - (i) the High Court officer, and
    - (ii) the other parties,if that person wants to exercise that right; and
  - (b) in that notice—
    - (i) indicate the conclusion that that person invites the High Court to reach on the question of incompatibility, and
    - (ii) identify each ground for that invitation, concisely outlining the arguments in support.
- (5) The High Court must not make a declaration of incompatibility—

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(1) 1998 c. 42; section 4 was amended by section 40 of, and paragraph 66 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4) and section 67 of, and paragraph 43 of Schedule 6 to, the Mental Capacity Act 2005 (c. 9).

(2) 1947 c. 44; section 17 was amended by article 3(2) of S.I. 1968/1656.

- (a) less than 15 business days after the High Court officer serves notice under paragraph (2);  
and
- (b) without giving any person who serves a notice under paragraph (4) an opportunity to make representations at a hearing.