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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 50**

**EXTRADITION**

*EXTRADITION UNDER PART 2 OF THE EXTRADITION ACT 2003*

**Preliminary hearing after arrest**

**50.9.**—(1) This rule applies where a defendant is first brought before the court after arrest under a warrant to which rule 50.8 applies.

(2) In the following sequence, the court must—

- (a) explain, in terms the defendant can understand (with help, if necessary)—
  - (i) the content of the extradition request, and
  - (ii) that the defendant may consent to extradition, and how that may be done and with what effect;
- (b) arrange for an extradition hearing to begin—
  - (i) no more than 2 months later, or
  - (ii) if either party so applies, at such a later date as the court decides is in the interests of justice;
- (c) consider any ancillary application, including an application about bail pending the extradition hearing; and
- (d) give any direction as is appropriate to the needs of the case about the introduction of evidence at the extradition hearing.

*[Note. See sections 72 and 75 of the Extradition Act 2003(1).*

*Under section 127 of the 2003 Act(2) a defendant's consent to extradition must be given before the court, must be recorded in writing, and is irrevocable. Consent may not be given unless the defendant has a legal representative with him or her when giving consent, or the defendant has failed or refused to apply for legal aid, or legal aid has been refused or withdrawn.*

*Part 14 contains rules about bail.]*

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(1) 2003 c. 41; section 72 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48).

(2) 2003 c. 41; section 127 was amended by paragraphs 62 and 64 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).