

**2003 No. 536**

**SUPREME COURT, NORTHERN IRELAND**

**PROCEDURE**

**The Rules of the Supreme Court (Northern Ireland)  
(Amendment No. 3) 2003**

*Made - - - - - 17th December 2003*

*Coming into operation 1st January 2004*

*To be laid before Parliament*

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:

**Citation commencement and interpretation**

**1.**—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 3) 2003 and shall come into operation on 1st January 2004.

(2) In these Rules, “the principal Rules” means the Rules of the Supreme Court (Northern Ireland) 1980(b), and an Order referred to by a number means the Order so numbered in the principal Rules.

**Arrangement of Orders**

**2.** The arrangement of Orders at the beginning of the principal Rules shall be amended by inserting after the entry relating to Order 61, the following –

“61A. The Extradition Act 2003 – Appeals to the High Court”

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(a) 1978 c. 23

(b) S.R. 1980 No. 346; to which the most recent relevant amendments were made by S.R. 2003 No. 54 and S.R. 2003 No. 263

**Amendment of the principal Rules**

3. After Order 61 there shall be inserted the new Order set out in the Schedule to these Rules.

*R. D. Carswell*  
*Anthony Campbell*  
*Paul Girvan*  
*Mark Horner*  
*Declan Morgan*  
*Tony Caher*  
*Caroline McGonagle*

Dated 11th December 2003

Signed by authority of the Lord Chancellor

I concur

*Lord Filkin*  
Parliamentary Under Secretary of State, Department for Constitutional Affairs

Dated 17th December 2003

## SCHEDULE

Rule 3

### “ORDER 61A

#### THE EXTRADITION ACT 2003 – APPEALS TO THE HIGH COURT

##### **Interpretation**

1. In this Part of this Order –

“the Act” means the Extradition Act 2003 and a section or Schedule referred to by number means the section or Schedule so numbered in the Act;

expressions used have the same meanings as in the Act.

##### **Assignment of proceedings**

2. The jurisdiction of the High Court under the Act shall be assigned to the Queen’s Bench Division.

##### **Appeals under the Act**

3.—(1) Every appeal under the Act must be brought by originating motion entitled in the matter of the Act and shall specify the grounds upon which the appellant relies.

(2) The appellant must, within the time specified in paragraph (3) –

- (a) issue the notice of motion which, in the case of an appeal brought under section 26 or 28 of the Act, shall be endorsed with the date and time of the person’s arrest;
- (b) enter the appeal for hearing in the appropriate office; and
- (c) serve a copy of the notice of motion personally, or by sending it by prepaid post to every other party to the appeal.

(3) The appellant must comply with paragraph (2) –

- (a) in the case of an appeal under section 26 or 28 of the Act, within 7 days starting with the day on which the order was made;
- (b) in the case of an appeal under section 103 of the Act, within 14 days starting with the day on which the Secretary of State informs the person under section 100(1) or (4) of the Act of the order he has made in respect of the person;
- (c) in the case of an appeal under section 105 of the Act, within 14 days starting with the day on which the order for discharge is made;
- (d) in the case of an appeal under section 108 of the Act, within 14 days starting with the day on which the Secretary of State informs the person that he has ordered his extradition; and
- (e) in the case of an appeal under section 110 of the Act, within 14 days starting with the day on which the Secretary of State informs the person acting on behalf of a category 2 territory of the order for discharge.

##### **Time limit for beginning to hear appeals under the Act**

4.—(1) Subject to paragraph (2), where an appeal is brought under section 26 or 28 of the Act, the High Court must begin to hear an appeal within 40 days of the person’s arrest.

(2) The High Court may extend the period of 40 days mentioned in paragraph (1) if it believes it to be in the interests of justice to do so.

(3) Subject to paragraphs (4) and (5), where an appeal is brought under section 103, 105, 108 or 110 of the Act, the High Court must begin to hear an appeal within 76 days of the appellant entering his appeal.

(4) Where an appeal is brought under section 103 of the Act before the Secretary of State has decided whether the person is to be extradited –

- (a) the period of 76 days does not start until the day on which the Secretary of State informs the person of his decision; and
- (b) the Secretary of State must, as soon as practicable after he informs the person of his decision, inform the High Court –
  - (i) of his decision; and
  - (ii) of the day on which he informed the person of his decision.

(5) The High Court may extend the period of 76 days mentioned in paragraph (3) if it believes it to be in the interests of justice to do so.

## **EXPLANATORY NOTE**

*(This note is not part of the Rules.)*

These Rules amend the Rules of the Supreme Court (Northern Ireland) 1980 to prescribe the practice and procedure in relation to appeals to the High Court under the Extradition Act 2003.

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