
STATUTORY INSTRUMENTS

2013 No. 1554

The Criminal Procedure Rules 2013

PART 17

EXTRADITION

GENERAL RULES

When this Part applies

17.1. This Part applies to extradition under Part 1 or Part 2 of the Extradition Act 2003(1), but—

- (a) rules 17.8 to 17.14 do not apply to extradition under Part 1 of the Act; and
- (b) rules 17.5 to 17.7 do not apply to extradition under Part 2 of the Act.

[Note. The Extradition Act 2003 provides for the extradition of a person accused or convicted of a crime to the territory within which that person is accused or was convicted. Part 1 of the Act (sections 1 to 68) allows the court to give effect to a warrant for arrest issued in a territory designated for the purposes of that Part, including a MemberState of the European Union. Part 2 of the Act (sections 69 to 141) allows the court and the Secretary of State to give effect to a request for extradition made under a treaty between the United Kingdom and the requesting territory.]

Meaning of ‘court’, ‘presenting officer’ and ‘defendant’

17.2. In this Part, and for the purposes of this Part in other rules—

- (a) ‘court’ means a District Judge (Magistrates’ Courts) exercising the powers to which this Part applies;
- (b) ‘presenting officer’ means an officer of the National Crime Agency, a police officer, a prosecutor or other person representing an authority or territory seeking the extradition of a defendant;
- (c) ‘defendant’ means a person arrested under Part 1 or Part 2 of the Act.

[Note. Under sections 67 and 139 of the Extradition Act 2003(2), a District Judge (Magistrates’ Courts) must be designated for the purposes of the Act to exercise the powers to which this Part applies.]

Exercise of court’s powers

17.3.—(1) The general rule is that the court must exercise its powers at a hearing in public, but that is subject to any power it has to—

(1) 2003 c. 41.

(2) 2003 c. 41; sections 67 and 139 were amended by section 15 of, and paragraphs 352 and 353 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4) and section 42 of, and paragraph 15 of Schedule 13 to, the Police and Justice Act 2006 (c. 48).

- (a) impose reporting restrictions;
 - (b) withhold information from the public; or
 - (c) order a hearing in private.
- (2) The general rule is that the court must exercise its powers in the defendant's presence, but it may do so in the defendant's absence where—
- (a) the court discharges the defendant; or
 - (b) the defendant is represented and the defendant's presence is impracticable by reason of his or her—
 - (i) ill health, or
 - (ii) disorderly conduct.
- (3) The court may exercise its power to adjourn—
- (a) if either party asks, or on its own initiative; and
 - (b) in particular—
 - (i) to allow there to be obtained information that the court requires,
 - (ii) following a provisional arrest under Part 1 of the Extradition Act 2003, pending receipt of the warrant,
 - (iii) following a provisional arrest under Part 2 of the Act, pending receipt of the extradition request,
 - (iv) if the court is informed that the defendant is serving a custodial sentencing in the United Kingdom,
 - (v) if it appears to the court that the defendant is not fit to be extradited, unless the court discharges the defendant for that reason, or
 - (vi) where a court dealing with a warrant to which Part 1 of the Act applies is informed that another such warrant has been received in the United Kingdom.
- (4) The court must exercise its power to adjourn if informed that the defendant has been charged with an offence in the United Kingdom.
- (5) The general rule is that, before exercising a power to which this Part applies, the court must give each party an opportunity to make representations, unless that party is absent deliberately.

[Note. See sections 8A, 8B, 9, 22, 23, 25 and 44 of the Extradition Act 2003(3) (powers in relation to extradition under Part 1 of the Act) and sections 76A, 76B, 77, 88, 89 and 91 of the Act(4) (powers in relation to extradition under Part 2 of the Act).

Under sections 206A to 206C of the 2003 Act(5), the court may require a defendant to attend by live link a preliminary hearing to which rule 17.5, 17.9 or 17.11 applies, and any hearing for the purposes of rule 17.12.

Part 16 contains rules about reporting and access restrictions.]

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- (3) 2003 c. 41; sections 8A and 8B were inserted by section 69 of the Policing and Crime Act 2009 (c. 26). Sections 9 and 44 were amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48). Section 22 was amended by section 71 of the Policing and Crime Act 2009 (c. 26). Section 23 was amended by paragraph 7 of Schedule 13 to the Police and Justice Act 2006 (c. 48) and section 71 of the Policing and Crime Act 2009 (c. 26).
 - (4) 2003 c. 41; sections 76A and 76B were inserted by section 70 of the Policing and Crime Act 2009 (c. 26). Section 77 was amended by paragraph 16 of Schedule 13 to the Police and Justice Act 2006 (c. 48). Section 88 was amended by section 71 of the Policing and Crime Act 2009 (c. 26). Section 89 was amended by paragraph 7 of Schedule 13 to the Police and Justice Act 2006 (c. 48) and section 71 of the Policing and Crime Act 2009 (c. 26).
 - (5) 2003 c. 41; sections 206A, 206B and 206C were inserted by section 78 of the Policing and Crime Act 2009 (c. 26).

Duty of court officer

17.4. The court officer must—

- (a) as soon as practicable, serve notice of the court’s decision to extradite or discharge—
 - (i) on the defendant,
 - (ii) on the designated authority which certified the arrest warrant, where Part 1 of the Extradition Act 2003 applies,
 - (iii) on the Secretary of State, where Part 2 of the Act applies; and
- (b) give the court such assistance as it requires.