
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 50

EXTRADITION

SECTION 3: APPEAL TO THE HIGH COURT

Exercise of the High Court's powers

50.17.—(1) The general rule is that the High Court must exercise its powers at a hearing in public, but—

- (a) that is subject to any power the court has to—
 - (i) impose reporting restrictions,
 - (ii) withhold information from the public, or
 - (iii) order a hearing in private;
- (b) despite the general rule, the court may determine without a hearing—
 - (i) an application for permission to appeal to the High Court (but a renewed such application must be determined at a hearing),
 - (ii) an application for permission to appeal from the High Court to the Supreme Court,
 - (iii) an application for permission to reopen a decision under rule 50.27 (Reopening the determination of an appeal), or
 - (iv) an application concerning bail; and
- (c) despite the general rule the court may, without a hearing—
 - (i) give case management directions, or
 - (ii) reject a notice or application and, if applicable, dismiss an application for permission to appeal, where rule 50.31 (Payment of High Court fees) applies and the party who served the notice or application fails to comply with that rule.

(2) If the High Court so directs, a party may attend a hearing by live link.

(3) The general rule is that where the High Court exercises its powers at a hearing it may do so only if the defendant attends, in person or by live link, but, despite the general rule, the court may exercise its powers in the defendant's absence if—

- (a) the defendant waives the right to attend;
- (b) subject to any appeal to the Supreme Court, the result of the court's order would be the discharge of the defendant; or
- (c) the defendant is represented and—
 - (i) the defendant is in custody, or

- (ii) the defendant's presence is impracticable by reason of his or her ill health or disorderly conduct.
- (4) If the High Court gives permission to appeal to the High Court—
 - (a) unless the court otherwise directs, the decision indicates that the court gives the appellant permission to appeal on each ground identified by the appeal notice;
 - (b) unless the court otherwise directs, the decision indicates that the court finds reasonably arguable each ground on which the court gives permission to appeal; and
 - (c) the court must give such directions as are required for the preparation and hearing of the appeal, including a direction as to whether the appeal must be heard by a single judge of the High Court or by a divisional court.
- (5) If the High Court decides without a hearing an application for permission to appeal from the High Court to the Supreme Court, the High Court must announce its decision at a hearing in public.
- (6) The High Court may—
 - (a) shorten a time limit or extend it (even after it has expired), unless that is inconsistent with other legislation;
 - (b) allow or require a party to vary or supplement a notice that that party has served;
 - (c) direct that a notice or application be served on any person;
 - (d) allow a notice or application to be in a different form to one set out in the Practice Direction, or to be presented orally.
- (7) A party who wants an extension of time within which to serve a notice or make an application must—
 - (a) apply for that extension of time when serving that notice or making that application; and
 - (b) give the reasons for the application for an extension of time.

[Note. The time limits for serving an appeal notice are prescribed by the Extradition Act 2003: see rule 50.19.]