
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 50

EXTRADITION

SECTION 3: APPEAL TO THE HIGH COURT

Service of appeal notice

- 50.19.**—(1) A party who wants to appeal to the High Court must serve an appeal notice on—
- (a) in every case—
 - (i) the High Court officer,
 - (ii) the other party, and
 - (iii) the Director of Public Prosecutions, unless the Director already has the conduct of the proceedings;
 - (b) the designated authority which certified the arrest warrant, where Part 1 of the Extradition Act 2003 applies; and
 - (c) the Secretary of State, where the appeal is against—
 - (i) an order by the Secretary of State, or
 - (ii) an order by the magistrates' court sending a case to the Secretary of State.
- (2) A defendant who wants to appeal must serve the appeal notice—
- (a) not more than 7 days after the day on which the magistrates' court makes an order for the defendant's extradition, starting with that day, where that order is under Part 1 of the Extradition Act 2003;
 - (b) not more than 14 days after the day on which the Secretary of State informs the defendant of the Secretary of State's decision, starting with that day, where under Part 2 of the Act—
 - (i) the magistrates' court sends the case to the Secretary of State for a decision whether to extradite the defendant, or
 - (ii) the Secretary of State orders the defendant's extradition.
- (3) An authority or territory seeking the defendant's extradition which wants to appeal against an order for the defendant's discharge must serve the appeal notice—
- (a) not more than 7 days after the day on which the magistrates' court makes that order, starting with that day, if the order is under Part 1 of the Extradition Act 2003;
 - (b) not more than 14 days after the day on which the magistrates' court makes that order, starting with that day, if the order is under Part 2 of the Act;

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- (c) not more than 14 days after the day on which the Secretary of State informs the territory's representative of the Secretary of State's order, starting with that day, where the order is under Part 2 of the Act.

[Note. See sections 26, 28, 103, 105, 108 and 110 of the Extradition Act 2003(1). The time limits for serving an appeal notice are prescribed by those sections. They may be neither shortened nor extended, but—

- (a) *if a defendant applies out of time for permission to appeal to the High Court the court must not for that reason refuse to consider the application if the defendant did everything reasonably possible to ensure that the notice was given as soon as it could be; and*
- (b) *a defendant may apply out of time for permission to appeal to the High Court on human rights grounds against an order for extradition made by the Secretary of State.*

Under section 3 of the Prosecution of Offences Act 1985(2), the Director of Public Prosecutions may conduct extradition proceedings (but need not do so).]

(1) 2003 c. 41; section 108 was amended by paragraphs 10 and 12 of Schedule 20 to the Crime and Courts Act 2013 (c. 22). Section 108 was further amended, and sections 26, 28, 103, 105 and 110 were amended, by section 160 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(2) 1985 c. 23; section 3 was amended by section 15 of, and paragraph 13 of Schedule 2 to, the Criminal Justice Act 1987 (c. 38), paragraph 39 of Schedule 7 to the Police Act 1996 (c. 16), section 134 of, and paragraph 48 of Schedule 9 to, the Police Act 1997 (c. 50), section 164 of the Immigration and Asylum Act 1999 (c. 33), paragraph 10 of Schedule 7 to the Police Reform Act 2002 (c. 30), sections 86 and 92 of, and Schedule 3 to, the Anti-social Behaviour Act 2003 (c. 38), section 190 of the Extradition Act 2003 (c. 41), section 7 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19), section 40 of, and paragraph 41 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4), sections 59, 140 and 174 of, and paragraph 47 of Schedule 4 and Part 2 of Schedule 17 to, the Serious Organised Crime and Police Act 2005 (c. 15), sections 7, 8 and 52 of, and paragraph 15 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38), section 74 of, and paragraph 149 of Schedule 8 to, the Serious Crime Act 2007 (c. 27), paragraph 171 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13), section 15 of, and paragraph 30 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22) and article 3 of, and paragraphs 1 and 2 of the Schedule to, S.I. 2014/834.