
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 50

EXTRADITION

SECTION 2: EXTRADITION PROCEEDINGS IN A MAGISTRATES' COURT

Case management in the magistrates' court and duty of court officer

50.4.—(1) The magistrates' court and the parties have the same duties and powers as under Part 3 (Case management), subject to—

- (a) rule 50.2 (Special objective in extradition proceedings); and
 - (b) paragraph (2) of this rule.
- (2) Rule 3.6 (Application to vary a direction) does not apply to a decision to extradite or discharge.
- (3) Where this rule applies, active case management by the court includes—
- (a) if the court requires information from the authorities in the requesting territory—
 - (i) nominating a court officer, the designated authority which certified the arrest warrant where Part 1 of the Extradition Act 2003 Act applies, a party or other person to convey that request to those authorities, and
 - (ii) in a case in which the terms of that request need to be prepared in accordance with directions by the court, giving such directions accordingly; and
 - (b) giving such directions as are required where, under section 21B of the Extradition Act 2003⁽¹⁾, the parties agree—
 - (i) to the temporary transfer of the defendant to the requesting territory, or
 - (ii) that the defendant should speak with representatives of an authority in that territory.
- (4) Where this rule applies, active assistance by the parties includes—
- (a) applying for any direction needed as soon as reasonably practicable; and
 - (b) concisely explaining the reasons for any application for the court to direct—
 - (i) the preparation of a request to which paragraph (3)(a) applies, or
 - (ii) the making of arrangements to which paragraph (3)(b) applies.
- (5) Where this rule applies, active assistance by the presenting officer includes—
- (a) taking reasonable steps to ensure that the defendant will be able to understand (with help, if necessary)—
 - (i) what is alleged by the warrant, if Part 1 of the 2003 Act applies, or
 - (ii) the content of the extradition request, if Part 2 of the Act applies; and

⁽¹⁾ 2003 c. 41; section 21B was inserted by section 159 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

- (b) providing in writing identification of the equivalent offence or offences under the law of England and Wales for the conduct being relied on if—
 - (i) this is raised for the defence as an issue and the court considers it necessary to identify the equivalent offence or offences in writing, or
 - (ii) the defendant is not represented.
- (6) 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 2003 Act applies, and
 - (iii) on the Secretary of State, where Part 2 of the Act applies; and
 - (b) give the court such assistance as it requires.

[Note. Part 3 contains rules about case management which apply at an extradition hearing and during preparation for that hearing. This rule must be read in conjunction with those rules.

Under section 21B of the Extradition Act 2003 (Request for temporary transfer etc.), where Part 1 of the Act applies, and in the circumstances described in that section, the parties may agree to the defendant’s temporary transfer to the requesting territory, or may agree that the defendant will speak to representatives of an investigating, prosecuting or judicial authority in that territory. On the making by a party of a request to such effect the court must if necessary adjourn the proceedings for 7 days while the other party considers it. If the parties then agree to proceed with the proposed transfer or discussion the court must adjourn the proceedings for however long seems necessary.]

Commencement Information

II Rule 50.4 in force at 5.10.2020, see Preamble

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 50.4.