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STATUTORY INSTRUMENTS

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**2014 No. 1610**

**The Criminal Procedure Rules 2014**

**PART 17**

**EXTRADITION**

*SECTION 1: GENERAL RULES*

**When this Part applies**

- 17.1.**—(1) This Part applies to extradition under Part 1 or Part 2 of the Extradition Act 2003<sup>(1)</sup>.
- (2) Section 2 of this Part applies to proceedings in a magistrates’ court, and in that Section—
- (a) rules 17.3 to 17.7, 17.15 and 17.16 apply to extradition under Part 1 of the Act;
  - (b) rules 17.3, 17.4 and 17.8 to 17.16 apply to extradition under Part 2 of the Act.
- (3) Section 3 of this Part applies where—
- (a) a party wants to appeal to the High Court against an order by the magistrates’ court or by the Secretary of State;
  - (b) a party to an appeal to the High Court wants to appeal further to the Supreme Court under—
    - (i) section 32 of the Act (appeal under Part 1 of the Act), or
    - (ii) section 114 of the Act (appeal 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.*

*Under Part 1 of the Act (sections 1 to 68), the magistrates’ court may give effect to a warrant for arrest issued by an authority in a territory designated for the purposes of that Part, including a Member State of the European Union.*

*Under Part 2 of the Act (sections 69 to 141), the magistrates’ court and the Secretary of State may give effect to a request for extradition made under a treaty between the United Kingdom and the requesting territory.*

*There are rights of appeal to the High Court from decisions of the magistrates’ court and of the Secretary of State: see Section 3 of this Part.]*

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

- 17.2.** In this Part, and for the purposes of this Part in other rules—
- (a) ‘magistrates’ court’ means a District Judge (Magistrates’ Courts) exercising the powers to which Section 2 of this Part applies;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (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 Extradition Act 2003.

*[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 Section 2 of this Part applies.]*

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(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).