
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 50

EXTRADITION

EXTRADITION UNDER PART 2 OF THE EXTRADITION ACT 2003

Extradition hearing

- 50.13.**—(1) This rule applies at the extradition hearing directed under rule 50.9 or rule 50.12.
- (2) In the following sequence, the court must decide—
- (a) whether the documents served on the court officer by the Secretary of State include—
 - (i) those listed in rule 50.8(1) or rule 50.12(1), as the case may be,
 - (ii) particulars of the person whose extradition is requested,
 - (iii) particulars of the offence specified in the request, and
 - (iv) as the case may be, a warrant for the defendant’s arrest, or a certificate of the defendant’s conviction and (if applicable) sentence, issued in the requesting territory;
 - (b) whether the defendant is the person whose extradition is requested;
 - (c) whether the offence specified in the request is an extradition offence;
 - (d) whether the documents served on the court officer by the Secretary of State have been served also on the defendant;
 - (e) whether a bar to extradition applies, namely—
 - (i) the rule against double jeopardy,
 - (ii) extraneous considerations,
 - (iii) the passage of time,
 - (iv) hostage-taking considerations, or
 - (v) forum;
 - (f) where the request accuses the defendant of an offence, whether there is evidence which would be sufficient to make a case requiring an answer by the defendant if the extradition proceedings were a trial (unless the Secretary of State has otherwise ordered, for this purpose);
 - (g) where the request accuses the defendant of being unlawfully at large after conviction, whether the defendant was—
 - (i) convicted in his or her presence, or
 - (ii) absent deliberately;

- (h) where the request accuses the defendant of being unlawfully at large after conviction, and the defendant was absent but not deliberately—
 - (i) whether the defendant would be entitled to a retrial (or to a review of the conviction amounting to a retrial), and
 - (ii) if so, whether there is evidence which would be sufficient to make a case requiring an answer by the defendant if the extradition proceedings were a trial (unless the Secretary of State has otherwise ordered, for this purpose);
 - (i) whether extradition would be compatible with the defendant’s human rights;
 - (j) whether it would be unjust or oppressive to extradite the defendant because of his or her physical or mental condition; and
 - (k) after deciding each of (a) to (j) above, before progressing to the next, whether to order the defendant’s discharge.
- (3) If the court discharges the defendant, the court must consider any ancillary application, including an application about—
- (a) reporting restrictions; or
 - (b) costs.
- (4) If the court does not discharge the defendant, the court must—
- (a) exercise its power to send the case to the Secretary of State to decide whether to extradite the defendant;
 - (b) explain, in terms the defendant can understand (with help, if necessary), that—
 - (i) the defendant may appeal to the High Court not more than 14 days after being informed of the Secretary of State’s decision, and
 - (ii) any such appeal brought before the Secretary of State’s decision has been made will not be heard until after that decision; and
 - (c) consider any ancillary application, including an application about—
 - (i) bail pending extradition,
 - (ii) reporting restrictions, or
 - (iii) costs.
- (5) If the Secretary of State orders the defendant’s extradition, the court must order its postponement where—
- (a) the defendant has been charged with an offence in the United Kingdom; or
 - (b) the defendant has been sentenced to imprisonment or detention in the United Kingdom.

[Note. See sections 78, 79, 84, 85, 86, 87, 91, 92, 137 and 138 of the Extradition Act 2003(1).

Part 6 contains rules about reporting restrictions. Part 45 contains rules about costs.]

Commencement Information

II Rule 50.13 in force at 5.10.2020, see Preamble

(1) 2003 c. 41; section 79 was amended by paragraphs 4 and 5 of Schedule 20 to the Crime and Courts Act 2013 (c. 22). Section 103 was amended by section 160 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). Section 118A and 118B were inserted by section 161 of the 2014 Act. Section 137 was amended by sections 164 and 181 of, and paragraph 117 of Schedule 11 to, the 2014 Act. Section 138 was amended by sections 164 and 181 of, and paragraph 118 of Schedule 11 to, the 2014 Act.

Changes to legislation: *There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 50.13. (See end of Document for details)*

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 50.13.