

Guidance notes on completing the Appellant's notice [EXN161]

Set out overleaf are notes to help you complete the form. You should read the notes to each section carefully before you begin to complete that particular section.

Use a separate sheet if you need more space for your answers, marking clearly which section the information refers to.

If you do not have all the documents or information you need for your application/appeal, you must not allow this to delay sending or taking the form to the Administrative Court Office within the correct time limit. Complete the form as fully as possible and provide what documents you have. You have 10 business days following taking the form into the Administrative Court Office to supply extra grounds or documents.

The Court and venue

Applications for permission to appeal under the Extradition Act 2003 are dealt with by the Administrative Court which is part of the High Court. Documents must be filed in the Administrative Court Office, Royal Courts of Justice, Strand, London, WC2A 2LL.

Time limit for filing a claim

If your extradition has been requested using a European arrest warrant it is a **Part 1** case. Under section 26(4) of the Extradition Act 2003 ('EA 2003') the notice of appeal has to be lodged with the Administrative Court within **7** days from the date extradition is ordered by the appropriate judge (District Judge) at the lower Court (Westminster Magistrates' Court). Day 1 is the date of the decision.

If your extradition has been requested by a country outside the European Union and the request has been made to the Secretary of State for the Home Department who has decided to accept the request for your permission it is a **Part 2** case.

You have to lodge your notice of appeal at the Issues and Enquiries Office of the Administrative Court Office in the Royal Courts of Justice within **14** days from the date the Secretary of State informs the Requested Person that his/her extradition has been ordered under section 100(1) of the EA 2003. You also have to serve the Crown Prosecution Service who represent the country

seeking your extradition and the Secretary of State for the Home Department who are represented by the Treasury Solicitors (give the addresses)

If you are not sure what Part you are bringing your appeal under, you may find this link useful <https://www.gov.uk/extradition-processes-and-review>

If you need help to complete the form you should consult a solicitor (you can ask the solicitor to complete a CRM14 form for you to sign so that you can apply for legal aid) or your local Citizen's Advice Bureau.

Section 1

Details of the parties

Provide the appellant's full name(s), postal address(es), e mail addresses and phone number(s) so that the Court can send any documents relating to the appeal to the correct person and the correct address . If you a firm of solicitors please give the name of the solicitor dealing with the matter and the reference number.

If the appellant is in custody, please provide the name of the prison, prison number and date of birth.

You must also provide the Respondent's details postal addresses, e mail addresses, DX address and phone numbers. If there are more than two respondents, please provide the details of both.

Section 2

Details of the decision

Give details of the decision you seek to appeal. Give the name of the court and the district judge whose decision you are seeking to appeal and the date on which the decision was made.

Section 3

Details of legal representation

If you are representing yourself, please circle "No". If you are legally represented [or in the process of obtaining legal aid see above] please provide your solicitor's name, preferably a specified solicitor who is in charge of your case, their full postal address including DX number, e mail address and phone number(s). If you already know who your counsel is please provide

their details as well.

Section 4

Is your appeal in time?

You should lodge your appeal within the time limits specified above. If your appeal is out of time, your matter will be considered on the papers by a judge who may list it for a hearing at which the respondent to your application/appeal will attend to determine the validity of your appeal before a judge. You must supply reasons why you could not lodge your appeal on time and why your appeal should go ahead.

Other information required for the appeal

In a separate document attached to form EXAPPN you **MUST** include the Following:

Date of arrest

The date when the appellant was arrested on the extradition warrant in the UK (please provide the witness statement from the arresting officer if available)

Whether the appellant is in prison or on bail

Please provide details of where the appellant is kept in prison together with prison number date of birth, and the date the appellant was remanded into prison. If the appellant is in prison and unrepresented, please include an application for a direction from the Court that the appellant be produced for the hearing (this is usually via a video link). **Bail**

Any application for bail pending appeal must be made in a separate application notice.

For a list of court forms please visit <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

Specify issues raised in the court below

Please state what grounds you raised in the magistrates' court. If you no longer wish to argue the same grounds, please state what grounds you no longer wish to rely on. If you would wish to rely on different/additional grounds or evidence, you must provide an explanation as to why you did not do before the district judge in the magistrates' court

Identify each ground

Provide as detailed grounds as possible. They should not be too general for example; "breach of article 8" without providing further details of the alleged breach.

The grounds should be numbered consecutively (i.e. 1, 2, 3 etc.)

If your grounds were drafted by counsel, the grounds must be signed with the name of counsel printed underneath.

Summarise the relevant facts

The facts on which you are basing your appeal should be set out clearly. It should contain a numbered list of the points that you intend to rely on at the hearing. Refer at each point to any documents you are filing in support of your appeal. You may wish to include your or any other supporting witness statements.

If you have a linked case (another current / previous appeal or a co-appellant/defendant in the magistrates' court) please provide their details

Identify any relevant authorities

If you wish to rely on any legal authorities, you must provide the full case citation e.g.: *John Smith v The Secretary of State for the Home Department* [2014] EWHC 1234 (Admin) and include a copy of the judgment in your authorities bundle.

Any other document you think the court need

You must provide the court with the following documents (if relevant)

A copy of the decision you are appealing against (i.e. the District Judge judgment, the discharge notice)

A copy of the European Arrest Warrant/The request for your extradition and the Secretary of State's decision/the extradition order

You may wish to provide other relevant documents such as medical reports or witness statements in support of your appeal. If you wish to rely on a document, you **must** provide a copy of that document with your notice of appeal. **Do not delay filing your appeal** if you have not been able to obtain any of the documents listed in this section. Complete the notice as best you can and ensure the claim is filed on time. Set out the reasons why you have not been able to obtain any of the information or documents and give the date when you expect them to be available. You have 10 working days to give these additional documents to the Administrative Court.

Section 5

Service

You must serve a copy of this notice on the respondent(s) as soon as you have a reference from the the Administrative Court Office or you can serve it before you get the reference number and then inform the respondent(s) as soon as you have the reference number (As to rules on service; please see the Criminal Procedure Rules 2015 Part 4). If an extension of time is needed for service, you must attach detailed reasons for the delay with this notice explaining what you did to ensure that it was served in time