



CPS POLICY ON CLAIMING COSTS IN EXTRADITION CASES

With effect from 1 January 2014 the Crown Prosecution Service (CPS) will apply the following policy to claiming costs in extradition proceedings. The effect of this policy will be that an application for costs against the requested person will be made in the vast majority of proceedings in which extradition is ordered.

Principles

There is power under the Extradition Act 2003 Section 60 (Part 1 cases) and Section 133 (Part 2 cases) for the courts to order a requested person whose extradition is ordered to pay costs. The fact that a requested person has consented to the making of the order will affect the amount of costs to be sought but does not exclude an application being made. The High Court also has power to award costs following an unsuccessful appeal.

The general CPS policy is that prosecutors should apply for costs in criminal proceedings because, in principle, public funds should not bear the costs of criminal actions if the defendant has the means to pay or to pay a contribution. The same principle applies to extradition proceedings.

An application for costs will normally be made in every case in which the Court has ordered extradition or (as appropriate) sent the case to the SSHD for decision unless there is firm information on the file that the requested person is in such dire financial circumstances that the Court is likely to consider the award of costs as oppressive. However, it is for the Court to determine whether to make an order for costs and if there is any doubt the CPS will make the application.

Calculating Costs

The award of costs is limited to the expenses reasonably incurred in conducting the extradition application. In general costs will include:

- Costs incurred through the preparation of the case by the CPS (staff costs)
- Counsel fees and disbursements; and
- Witness expenses

If the case is one where actual CPS staff time can be calculated, the following hourly rates will be used:

Lawyers	£69 per hour
Paralegals	£51 per hour
Support staff	£44 per hour

In many cases it is impractical to maintain detailed time and costs records and in any event the requested person is generally only asked to make a contribution to costs. Therefore the

following amounts will be requested as a contribution towards costs in standard cases in Westminster Magistrates' Court where actual costs are not recorded:

Extradition ordered at First Hearing	£100
Interim and Review Hearings	£100 per hearing
Contested Extradition Hearing	£165

The figures take into account the hourly rate of CPS staff and relate to single defendant cases only. An uplift of 20% will be applied for each further defendant. Witness costs, counsel's fees and other specific disbursements will be added to these fees if incurred.

Where a case is particularly complex or the costs incurred clearly outweigh the standard amount, more may be requested.

Naming the Payee

The Extradition Act provides that an order for costs "may name the person to whom they are to be paid". Given that it is the U.K. Government through its subvention to the CPS which has actually borne the costs, it is appropriate in extradition hearings to indicate to the Court that costs are payable to general prosecution funds not to the foreign state.

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9 January 2014