



Neutral Citation Number: [2020] EWHC 1321 (Admin)

Case No: CO/3635/2019

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 22/05/2020

Before :

MR JUSTICE DOVE

Between :

Grzegorz LIDAK

Appellant

- v -

The Court in in Sad Okregowy, POLAND

Respondent

-and-

The District Court in Kielce, POLAND

Mr M. Hawkes (instructed by **Langfield Law**) on behalf of the **Applicant**

Mr B. Joyes (instructed by **CPS**) on behalf of the **Respondant**

Hearing dates: 4th March 2020

Approved Judgment

Mr Justice Dove :

1. The appellant has made an application for leave to appeal and for certification of a point of law of general public importance following dismissal of his appeal at a hearing on 4 March 2020. The question in respect of which certification is sought is as follows:

““Where, at the appeal stage, there is evidence that a requesting judicial authority wishes to interview a requested person in the requested state, which, had that evidence been before the magistrates court, the mandatory provisions of s. 21B EA 2003 would have required the court to adjourn and give effect to the request, to what extent should the appellate court either defer to that scheme or give effect to it? In such circumstances, is the appellate court obliged to consider the question of the possibility of less coercive measures, pursuant to s. 21A EA 2003?”

2. I do not propose to certify this question for the following reasons. At paragraph 20 of the appellant’s application it is correctly conceded that the provisions of section 21B of the Extradition Act 2003 do not “have formal application at the appeal stage”. Indeed, the terms of section 21B of the 2003 Act are clear in that they relate to a request made “at any time before or in the extradition hearing” which conforms to section 21B (2) or (3). It is the clear intention of Parliament that the particular provisions contained within section 21B of the 2003 Act do not have mandatory effect at the appeal stage. Thus the language of the statute itself makes clear that the question posed in this application does not arise.
3. Neither of the authorities which are referred to by the appellant in this application provide any material support for the contention that the question raised is one of general public importance. Indeed, for the reasons set out in the respondents reply to the application, both of the authorities are properly to be distinguished from the present case. The statutory scheme under section 21B of the 2003 Act does not apply at the appeal stage of extradition proceedings, and any application to adjourn on the basis of a request of the kind contemplated by section 21B (2) or (3), or the possible existence of less coercive measures of the kind contemplated by section 21A of the 2003 Act, will be addressed and taken account of if appropriate by the court when exercising its discretion in the normal way as occurred in the present case.
4. For these reasons the application for the certification of a question of law of general public importance is refused as is the application for permission to appeal.