

Public Prosecutors Office of the Athens Court of Appeal (Appellant) v O'Connor (AP) (Respondent) (Northern Ireland)

Case ID: 2018/0129

Case summary

Issue

When considering section 26(5) of the Extradition Act 2003, can a distinction properly be drawn between the actions of a person who has done everything reasonably possible to give notice of the appeal and the actions of that person's solicitor who has not?

Facts

On 11 December 2015, His Honour Judge Devlin made an order for the extradition of Mr O'Connor to Greece in accordance with a European Arrest Warrant. Pursuant to section 26(4) of the Extradition Act 2003, Mr O'Connor then had seven days in which to give notice of any application for leave to appeal against this order. Mr O'Connor's solicitor lodged this application on 16 December 2015 but failed to serve notice of the application on the Appellant until 4 January 2016 owing to an oversight. The question was whether Mr O'Connor's appeal could nevertheless be entertained on the basis that he had done everything reasonably possibly to give notice of the appeal pursuant to section 26(5) of the Extradition Act 2003. The Divisional Court in Northern Ireland allowed the appeal to proceed, drawing a distinction between the actions of Mr O'Connor and the actions of his solicitor. The Appellant seeks to appeal against this order.

Judgment appealed

[\[2017\] NIQB 77](#)

Parties

Appellant(s)

Public Prosecutors Office of the Athens Court of Appeal

Respondent(s)

John Joseph O'Connor

Appeal

Justices

Lord Reed, Lord Hamblen, Lord Leggatt, Lord Burrows, Lord Stephens

Hearing start date

13 December 2021

Hearing finish date

13 December 2021

Watch hearing

13 Dec 2021 [Morning session](#) [Afternoon session](#)