

International Criminal Court Act 2001

CHAPTER 17

INTERNATIONAL CRIMINAL COURT ACT 2001

PART 1

THE INTERNATIONAL CRIMINAL COURT

1 The ICC and the ICC Statute

PART 2

ARREST AND DELIVERY OF PERSONS

Proceedings on request

- 2 Request for arrest and surrender
- 3 Request for provisional arrest
- 4 Dealing with person arrested under provisional warrant
- 5 Proceedings for delivery order
- 6 Supplementary provisions as to proceedings before competent court
- 7 Consent to surrender

Proceedings where court refuses delivery order

- 8 Procedure where court refuses order
- 9 Appeal against refusal of delivery order: England and Wales
- 10 Appeal against refusal of delivery order: Scotland

Proceedings where court makes delivery order

- 11 Procedure where court makes order
- 12 Right to review of delivery order
- 13 Waiver of right to review

Changes to legislation: International Criminal Court Act 2001 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Warrants, custody, bail and related matters

- 14 Effect of warrant of arrest
- 15 Effect of delivery order
- 16 Bail and custody: general
- 17 Bail and custody (England and Wales): supplementary
- 18 Bail and custody: consultation with the ICC, &c
- 19 Discharge of person not delivered up
- 20 Discharge of person no longer required to be surrendered

Request for transit and unscheduled landing

- 21 Request for transit
- 22 Unscheduled landing

Supplementary provisions

- 23 Provisions as to state or diplomatic immunity
- 24 Delivery up of persons subject to criminal proceedings, &c
- 25 Documents having effect as warrants, &c
- 26 Meaning of "appropriate judicial officer" and "competent court"

PART 3

OTHER FORMS OF ASSISTANCE

Introduction

27 Provision of assistance

Forms of assistance

- 28 Questioning
- 29 Taking or production of evidence
- 30 Taking or production of evidence: further provisions
- 31 Service of process
- 32 Transfer of prisoner to give evidence or assist in investigation
- 33 Entry, search and seizure
- 34 Taking of fingerprints or non-intimate sample
- 35 Orders for exhumation
- 36 Provision of records and documents
- 37 Investigation of proceeds of ICC crime
- 38 Freezing orders in respect of property liable to forfeiture

National security

39 Production or disclosure prejudicial to national security

Supplementary provisions

- 40 Verification of material
- 41 Transmission of material to the ICC

PART 4

ENFORCEMENT OF SENTENCES AND ORDERS

Changes to legislation: International Criminal Court Act 2001 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Sentences of imprisonment

- 42 Detention in the United Kingdom in pursuance of ICC sentence
- 43 Temporary return or transfer of custody to another state
- 44 Transfer to another part of the United Kingdom: transfer of ICC sentence
- Transfer to another part of the United Kingdom: transfer for temporary purposes
- 46 Domestic sentence current at end of term of ICC sentence
- 47 Custody of prisoner in transit, &c
- 48 Interpretation of ss. 42 to 47

Other orders

49 Power to make provision for enforcement of other orders

PART 5

OFFENCES UNDER DOMESTIC LAW

Introduction

50 Meaning of "genocide", "crime against humanity" and "war crime"

England and Wales

- 51 Genocide, crimes against humanity and war crimes
- 52 Conduct ancillary to genocide, etc. committed outside jurisdiction
- 53 Trial and punishment of main offences
- 54 Offences in relation to the ICC
- 55 Meaning of "ancillary offence"
- 56 Saving for general principles of liability, etc
- 57 Protection of victims and witnesses

Northern Ireland

- 58 Genocide, crimes against humanity and war crimes
- 59 Conduct ancillary to genocide, etc. committed outside jurisdiction
- 60 Trial and punishment of main offences
- 61 Offences in relation to the ICC
- 62 Meaning of "ancillary offence"
- 63 Saving for general principles of liability, etc
- 64 Protection of victims and witnesses

Supplementary provisions

- 65 Responsibility of commanders and other superiors
- 65A Retrospective application of certain offences
- 65B Modification of penalties: provision supplemental to section 65A
 - 66 Mental element
 - 67 Meaning of "UK national", "UK resident" and "person subject to UK service jurisdiction"
- 67A Supplemental provision about UK residents
 - 68 Proceedings against persons becoming resident within the jurisdiction
 - References to acts to include omissions, etc

Changes to legislation: International Criminal Court Act 2001 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Consequential provisions

- 70 Offences under section 1 of the Geneva Conventions Act 1957
- 71 Extradition: Orders in Council under the 1870 Act
- 72 Extradition: exception to dual criminality rule under the 1989 Act
- 73 Extradition: offences not regarded as of political character
- 74 Consequential amendments of armed forces legislation

PART 6

GENERAL PROVISIONS

Interpretation

- 75 Meaning of "national court" and "service court"
- 76 Meaning of "British aircraft", "British hovercraft" and "British ship"

Application and extent

- 77 Application of provisions in relation to other International Tribunals
- 77A The Special Court for Sierra Leone
 - 78 Crown application
 - 79 Extent
 - 80 Power to make provision in relation to Scotland

Final provisions

- 81 Index of defined expressions
- 82 Commencement
- 83 Repeals
- 84 Short title

SCHEDULES

SCHEDULE 1 — Supplementary provisions relating to the ICC

- 1 Legal capacity, privileges and immunities
- 2 Power to provide for sittings of the ICC in the UK
- 3 Power to give effect to Rules of Procedure and Evidence etc.
- 4 Parliamentary approval of draft Orders
- 5 Proof of orders, etc. of the ICC
- 6 Evidence about ICC proceedings and orders
- 7 Pension provision for UK judges of ICC

SCHEDULE 2 — Delivery up of persons subject to criminal proceedings, &c.

Part 1 — CRIMINAL PROCEEDINGS

- Meaning of "criminal proceedings"
- 2 Criminal proceedings in England and Wales or Northern Ireland
- 3 Criminal proceedings in Scotland
- 4 Proceedings before service court
- 5 Effect on custodial sentences
- 6 Power to suspend or revoke other orders

Part 2 — EXTRADITION PROCEEDINGS

- 7 Meaning of "extradition proceedings"
- 8 Extradition proceedings in England and Wales or Northern Ireland
- 9 Extradition proceedings in Scotland

Changes to legislation: International Criminal Court Act 2001 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 10 Power to suspend or revoke warrant or order
 - Part 3 OTHER DELIVERY PROCEEDINGS
- 11 Meaning of "other delivery proceedings"
- 12 Delivery proceedings in England and Wales
- 13 Delivery proceedings in Scotland
- 14 Power to suspend or revoke previous delivery order
 - SCHEDULE 3 Rights of persons during investigation: article 55

Article 55 — RIGHTS OF PERSONS DURING AN INVESTIGATION

- 1 In respect of an investigation under this Statute, a person:...
- 2 Where there are grounds to believe that a person has...

SCHEDULE 4 — Taking of fingerprints or non-intimate samples

- Nomination of court to supervise taking of evidence
- 2 Order to provide evidence
- 3 Requirement to attend and provide evidence
- 4 Consent to taking of evidence
- 5 Taking of evidence without consent
- 6 Record of certain matters to be made
- 7 Checking of fingerprints or samples
- 8 Destruction of fingerprints and samples

SCHEDULE 5 — Investigation of proceeds of ICC crime

Part 1 — PRODUCTION OR ACCESS ORDERS

- 1 Application for order
- 2 Grounds for making order
- 3 Production or access orders: standard orders
- 4 Production or access orders: special orders
- 5 Effect of order: general
- 6 Effect of order: supplementary
- 7 Order in relation to material in possession of government department Part 2 SEARCH WARRANTS
- 8 Application for warrant
- 9 Effect of warrant
- 10 Grounds for issue of warrant

Part 3 — SUPPLEMENTARY PROVISIONS

11 In this Schedule— "constable" includes a person commissioned by the...

SCHEDULE 6 — Freezing orders in respect of property liable to forfeiture

- 1 Application for freezing order
- 2 Grounds for making order
- 3 Effect of order
- 4 Variation or discharge of order
- 5 Power to appoint receiver
- 6 Seizure to prevent removal from jurisdiction
- 7 Registered land: England and Wales
- 8 Registered land: Northern Ireland
- 9 Bankruptcy: England and Wales
- 10 Bankruptcy: Northern Ireland
- 11 Winding up: England and Wales
- 12 Winding up: Northern Ireland
- 13 Protection of insolvency practitioners
- 14 Interpretation

Changes to legislation: International Criminal Court Act 2001 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 7 — Domestic provisions not applicable to ICC prisoners

- Introduction
- Provisions affecting length of sentence
- Provisions relating to early release or release on licence

SCHEDULE 8 — Genocide, crimes against humanity and war crimes: articles 6 to 9

Article 6 — GENOCIDE
Article 7 — CRIMES AGAINST HUMANITY

- For the purpose of this Statute, "crime against humanity" means...
- For the purpose of paragraph 1: (a) "Attack directed against...
- For the purpose of this Statute, it is understood that...

Article 8 — WAR CRIMES

For the purpose of this Statute, "war crimes" means:

Article 9 — ELEMENTS OF CRIMES

- Elements of Crimes shall assist the Court in the interpretation...
- Amendments to the Elements of Crimes may be proposed by:...
- The Elements of Crimes and amendments thereto shall be consistent...

SCHEDULE 9 — Offences against the ICC: article 70

Article 70 — OFFENCES AGAINST THE ADMINISTRATION OF JUSTICE

- The Court shall have jurisdiction over the following offences against...
- 4 (a) Each State Party shall extend its criminal laws penalizing...

SCHEDULE 10 — Repeals

Changes to legislation:

International Criminal Court Act 2001 is up to date with all changes known to be in force on or before 04 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to:

- Sch. 4 para. 8 substituted by 2010 c. 17 s. 19 (This amendment not applied to legislation.gov.uk. Ss. 16-19 repealed (31.10.2013) without ever being in force by 2012 c. 9, Sch. 9 para. 4(2), Sch. 10 Pt. 1; S.I. 2013/2104, art. 3(c)(d))
- Sch. 4 para. 7(3)(b) words inserted by 2010 c. 17 s. 11(2)
- Sch. 5 para. 1(1)(a)(b) and word(s) substituted for word(s) by 2003 c. 39 Sch. 4 para.
- Sch. 5 para. 8(a)(b) and word(s) substituted for word(s) by 2003 c. 39 Sch. 4 para. 14