

## SCHEDULES

### SCHEDULE 2

#### DELIVERY UP OF PERSONS SUBJECT TO CRIMINAL PROCEEDINGS, &C.

#### PART 3

##### OTHER DELIVERY PROCEEDINGS

##### *Meaning of “other delivery proceedings”*

- 11 In this Part of this Schedule “other delivery proceedings” means proceedings before a court in the United Kingdom for a delivery order under—
- (a) the United Nations (International Tribunal) (Former Yugoslavia) Order 1996 (S.I. 1996/716), or
  - (b) the United Nations (International Tribunal) (Rwanda) Order 1996 (S.I. 1996/1296);
- and “the relevant International Tribunal”, in relation to such proceedings, means the international tribunal to which the Order in question relates.

##### *Delivery proceedings in England and Wales*

- 12 (1) Where—
- (a) the Secretary of State receives a request from the ICC for the arrest and surrender, or provisional arrest, of a person, and
  - (b) other delivery proceedings against that person are pending or in progress before a court in England and Wales,
- the Secretary of State shall consult the ICC and the relevant International Tribunal.
- (2) The Secretary of State shall inform the court of the request and of the outcome of the consultations.
- (3) The court shall (if necessary) adjourn the proceedings before it, for such period or periods as it thinks fit, so as to enable proceedings to be taken to determine whether a delivery order should be made under this Part of this Act.
- (4) If a delivery order is made under this Part of this Act and the other delivery proceedings are still pending or in progress, the Secretary of State—
- (a) shall consult the ICC before giving directions for the execution of the order, and
  - (b) may direct that the other delivery proceedings shall be discontinued.
- (5) Where the Secretary of State directs that the other delivery proceedings shall be discontinued, the court before which the proceedings are pending or in progress shall —

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*Status: This is the original version (as it was originally enacted).*

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- (a) order their discontinuance, and
  - (b) make any other order necessary to enable the delivery order under this Part of this Act to be executed (including any necessary order as to the custody of the person concerned).
- (6) The discontinuance under this paragraph of other delivery proceedings in respect of an offence does not prevent the institution of fresh proceedings for a delivery order in respect of the offence.

*Delivery proceedings in Scotland*

- 13 (1) Where—
- (a) the Secretary of State receives a request from the ICC for the arrest and surrender, or provisional arrest, of a person, and
  - (b) other delivery proceedings against that person are pending or in progress before a court in Scotland,
- the Secretary of State shall consult the ICC and the relevant International Tribunal.
- (2) The Secretary of State shall inform the Scottish Ministers of the request and of the outcome of the consultations and they shall inform the court.
- (3) The court shall (if necessary) adjourn the proceedings before it, for such period or periods as it thinks fit, so as to enable proceedings to be taken to determine whether a delivery order should be made.
- (4) If a delivery order is made and the other delivery proceedings are still pending or in progress, the Secretary of State shall consult the ICC before giving directions for the execution of the order.

*Power to suspend or revoke previous delivery order*

- 14 (1) Where a court makes a delivery order under this Part of this Act in respect of a person in respect of whom a delivery order has been made under—
- (a) the United Nations (International Tribunal) (Former Yugoslavia) Order 1996 (S.I. 1996/716), or
  - (b) the United Nations (International Tribunal) (Rwanda) Order 1996 (S.I. 1996/1296),
- the court may make any order necessary to enable the person to be delivered up under this Part of this Act.
- (2) The court may, in particular, suspend or revoke the other delivery order.