

*Status: Point in time view as at 03/12/2012.*

*Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, SCHEDULE 7. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 7

Section 42

#### DOMESTIC PROVISIONS NOT APPLICABLE TO ICC PRISONERS

##### *Introduction*

- 1 The provisions specified in this Schedule do not apply in relation to a person detained in England and Wales or Northern Ireland in pursuance of a sentence of the ICC.

##### *Provisions affecting length of sentence*

- 2 (1) The following provisions of the law of England and Wales do not apply—
- (a) section 24 of the Prison Act 1952 (c. 52) (calculation of term of sentence: meaning of “month”);
  - (b) section 49(2) of that Act (deduction of periods unlawfully at large);
  - (c) section 23(3) of the Criminal Justice Act 1961 (c. 39) (discharge at weekend or on a holiday);
  - [<sup>F1</sup>(d) [<sup>F2</sup>sections 240ZA] and 240A of the Criminal Justice Act 2003 (crediting of periods spent on remand in custody or on bail subject to certain types of condition: terms of imprisonment and detention).]
- (2) The following provisions of the law of Northern Ireland do not apply—
- any provision of rules under section 13 of the Prisons (Northern Ireland) Act 1953 (c. 18 (N.I.)) (prison rules) as to—
- (a) remission, or
  - (b) discharge at a weekend or on a holiday;
- section 38(2) of that Act (deduction of periods unlawfully at large);  
section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.)) (taking into account of time spent in custody).

##### **Textual Amendments**

- F1** Sch. 7 para. 2(1)(d) substituted (3.11.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 22\(7\), 153\(7\)](#); S.I. 2008/2712, art. 2, Sch. para. 2
- F2** Words in Sch. 7 para. 2(1)(d) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 13 para. 13](#); S.I. 2012/2906, art. 2(k)

##### *Provisions relating to early release or release on licence*

- 3 (1) The following provisions of the law of England and Wales do not apply—
- section 28 of the Prison Act 1952 (c. 52) (power to discharge prisoners temporarily on grounds of ill health);

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any provision of rules under section 47 of that Act (prison rules) permitting temporary release on licence;

section 32 of the Criminal Justice Act 1982 (c. 48) or [<sup>F3</sup>[<sup>F4</sup>sections 243A] to 264 of the Criminal Justice Act 2003](early release of prisoners);

Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (c. 43) (release on licence of life prisoners).

(2) The following provisions of the law of Northern Ireland do not apply—

any provision of rules under section 13 of the Prison Act (Northern Ireland) 1953 (c.18 (N.I.)) (prison rules) permitting temporary release on licence;

[<sup>F5</sup>the Life Sentences (Northern Ireland) Order 2001] (release on licence of life prisoners);

[<sup>F6</sup>section 24 of the Prison Act (Northern Ireland) 1953] (power to discharge prisoners temporarily on grounds of ill health).

[<sup>F7</sup>Chapter 4 of Part 2 to the Criminal Justice (Northern Ireland) Order 2008 (release on licence of certain prisoners).]

#### **Textual Amendments**

- F3** Words in Sch. 7 para. 3(1) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 304, **Sch. 32 Pt. 1 para. 139(3)**; S.I. 2005/950, **art. 2(1)** (subject to Sch. 2 (as amended by S.I. 2005/2122, art. 2))
- F4** Words in Sch. 7 para. 3(1) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 14 para. 4**; S.I. 2012/2906, art. 2(1)
- F5** Words in Sch. 7 para. 3(2) substituted (1.9.2001) by S.I. 2001/2565, **arts. 1(3), 5(a)**; S.I. 2001/2161, **art. 2**
- F6** Words in Sch. 7 para. 3(2) substituted (1.9.2001) by S.I. 2001/2565, **arts. 1(3), 5(b)**; S.I. 2001/2161, **art. 2**
- F7** Words in Sch. 7 para. 3(2) inserted (15.5.2008) by Criminal Justice (Northern Ireland) Consequential Amendments Order 2008 (S.I. 2008/1241), arts. 1(2), **5(2)** (see S.R. 2008/217, art. 2, Sch.)

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