



International Criminal Court Act 2001

2001 CHAPTER 17

PART 2

ARREST AND DELIVERY OF PERSONS

Proceedings on request

7 Consent to surrender

- (1) A person arrested under this Part may consent to being delivered up into the custody of the ICC or, in the case of a person convicted by the ICC, of the state of enforcement.

This is referred to below as “consent to surrender”.

- (2) Consent to surrender may be given—
- (a) by the person himself, or
 - (b) in circumstances in which it is inappropriate for the person to act for himself, by reason of his physical or mental condition or his youth, by an appropriate person acting on his behalf.
- (3) Consent to surrender must—
- (a) be given in writing in the prescribed form or a form to the like effect, and
 - (b) be signed in the presence of a justice of the peace or, in Scotland, a sheriff.

The “prescribed form” means that prescribed by rules under section 144 of the Magistrates' Courts Act 1980 (c. 43) or, in Scotland, by the High Court of Justiciary by Act of Adjournal.

- (4) Where consent to surrender has been given—
- (a) a competent court before which the person is brought shall forthwith make a delivery order, and
 - (b) he shall be taken to have waived his rights under section 12 (right to review of delivery order).
- (5) Where consent to surrender has been given, notice of that fact shall be given—

Status: This is the original version (as it was originally enacted).

- (a) if the person is in custody, to the prison governor, constable or other person in whose custody he is;
 - (b) if the person is on bail in England and Wales, to the officer in charge of the police station at which he is required to surrender to custody.
- (6) For the purposes of subsection (5)(b) notice shall be treated as given if it is sent by registered post, or recorded delivery, addressed to the officer mentioned.