



International Criminal Court Act 2001

2001 CHAPTER 17

PART 5

OFFENCES UNDER DOMESTIC LAW

Consequential provisions

71 Extradition: Orders in Council under the 1870 Act

- (1) This section applies in relation to extradition under Schedule 1 to the Extradition Act 1989 (c. 33) (extradition where an Order in Council under section 2 of the Extradition Act 1870 (c. 52) is in force in relation to the foreign state).
- (2) The offences to which such an Order in Council can apply include any Part 5 offence.
- (3) “Part 5 offence” means—
 - (a) an offence under section 51 or 58 (genocide, crimes against humanity and war crimes),
 - (b) an offence under section 52 or 59 (conduct ancillary to genocide etc. committed outside the jurisdiction), or
 - (c) an ancillary offence in relation to any such offence.
- (4) For the purposes of Schedule 1 to the 1989 Act, conduct, wherever committed, which constitutes—
 - (a) a Part 5 offence, and
 - (b) an offence against the law of any state in relation to which that Schedule has effect,shall be deemed to be an offence committed within the jurisdiction of that state.
- (5) If any conduct would constitute a Part 5 offence if committed in the United Kingdom then, notwithstanding that it does not constitute such an offence—
 - (a) a person whose surrender is sought in respect of that conduct may be surrendered by the United Kingdom in pursuance of an Order in Council to which subsection (2) applies, and

Status: This is the original version (as it was originally enacted).

- (b) subsection (4) applies to the conduct as if it constituted a Part 5 offence.
- (6) References in this section to an offence under any provision of this Part, or to an offence ancillary to such an offence, include any corresponding offence under the law of Scotland.