
STATUTORY INSTRUMENTS

1996 No. 716

The United Nations (International Tribunal) (Former Yugoslavia) Order 1996

PART I

ARREST AND DELIVERY OF PERSONS TO THE INTERNATIONAL TRIBUNAL

Provisional warrants of arrest

5.—(1) Where the Secretary of State—

- (a) receives a request from the International Tribunal for the arrest of a person who is suspected or accused of having committed an International Tribunal crime or who has been convicted by the International Tribunal, and
- (b) the request is not accompanied by a warrant but is made on the grounds of urgency,

the Secretary of State shall transmit the request to a constable and direct the constable to apply for a warrant for the arrest of that person.

(2) On an application by a constable stating on oath that he has reason to believe—

- (a) that a request has been made on grounds of urgency by the International Tribunal for the arrest of a person who is suspected or accused of having committed an International Tribunal crime or who has been convicted by the International Tribunal,
- (b) that the person concerned is in or on his way to the United Kingdom, and
- (c) that the purpose of the arrest is to enable the person concerned to be brought before the International Tribunal or, as the case may be, to be taken to a place where he is to undergo imprisonment under a sentence of the International Tribunal,

an appropriate judicial officer may issue a warrant (“a provisional warrant”) for the arrest of that person, and shall if he issues such a warrant notify the Secretary of State that he has done so.

(3) In the application of paragraphs (1) and (2) to Scotland, the following modifications shall have effect—

- (a) the request by the International Tribunal shall be transmitted to the Lord Advocate, who shall instruct the procurator fiscal to apply for a warrant;
- (b) an application for a warrant shall be made by the procurator fiscal and shall be supported by a statement on oath made by a constable as respects the matters specified in paragraph (2);
- (c) if an appropriate judicial officer issues a warrant, he shall notify the Lord Advocate that he has done so.

(4) A person arrested under a provisional warrant shall be brought before a competent court so soon as is practicable, and—

- (a) if an endorsed warrant in respect of that person is produced to the court, the court shall proceed as if he had been arrested under that warrant, and article 6 shall apply accordingly,

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- (b) if no such warrant is produced, the court may, pending the production of the warrant, remand him for not more than 18 days at a time, so however that the total period of remands does not exceed 40 days in all.
- (5) If at any time an endorsed warrant relating to a person remanded under this article is produced to the court which remanded him, the court shall determine the period of remand and the person shall thereafter be treated as if arrested at that time under the endorsed warrant.
- (6) If an endorsed warrant relating to a person remanded under this article is not produced within the period of the remand (including any extension of that period) to the court which remanded him, he shall be discharged by the court.
- (7) In this article and in article 6 “endorsed warrant” means a warrant of arrest issued by the International Tribunal, endorsed in accordance with article 4.