
STATUTORY INSTRUMENTS

1996 No. 716

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

PART IV

SUPPLEMENTARY PROVISIONS

Warrants of arrest

23.—(1) For the purposes of any enactment or rule of law relating to warrants of arrest but subject to any other provisions of this Order—

- (a) a warrant endorsed in accordance with article 4,
- (b) a provisional warrant issued under article 5, and
- (c) a warrant issued under article 9 or 12,

in any part of the United Kingdom shall be treated as if it were a warrant for the arrest of a person charged with an offence committed in that part.

(2) A warrant mentioned in paragraph (1) may be executed in any part of the United Kingdom and may be so executed by any constable.

(3) A person arrested under a warrant mentioned in paragraph (1) shall be deemed to continue in legal custody until, in accordance with this Order, he is brought before a competent court or, in the case of a warrant issued under article 12, an officer in charge of a police station; and article 25 shall accordingly apply in relation to that person as it applies in relation to a person in respect of whom a delivery order or transfer warrant is in force.

Proceedings before a competent court under article 6, 9 or 10

24.—(1) For the purposes of proceedings under article 6, 9 or 10, a competent court in England and Wales shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested, as if the proceedings were the summary trial of an information against that person; and—

- (a) section 16(1)(c) of the Prosecution of Offences Act 1985⁽¹⁾ (defence costs on dismissal) shall apply, reading the reference to the dismissal of the information as a reference to the discharge of the person arrested, and
- (b) Part V of the Legal Aid Act 1988⁽²⁾ (criminal legal aid) shall apply as if the proceedings were proceedings for dealing with an offender as a fugitive offender.

(2) For the purposes of proceedings under article 6, 9 or 10, a competent court in Scotland shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested either in custody or on bail, as if the proceedings were summary proceedings in respect

(1) 1985 c. 23.

(2) 1988 c. 34.

of an offence alleged to have been committed by that person; and the provisions of the Legal Aid (Scotland) Act 1986⁽³⁾ relating to such proceedings or any appellate proceedings following thereon shall apply to that person.

Legal custody

25.—(1) A person in respect of whom a delivery order or transfer warrant is in force shall be deemed to be in legal custody at any time when, being in the United Kingdom or on board—

- (a) any British ship (within the meaning of the Merchant Shipping Act 1995⁽⁴⁾),
- (b) any British-controlled aircraft or hovercraft (within the meaning of section 92 of the Civil Aviation Act 1982⁽⁵⁾ or, as the case may be, that section as applied to hovercraft by virtue of provision made under the Hovercraft Act 1968⁽⁶⁾), or
- (c) any ship, aircraft or hovercraft belonging to, or exclusively employed in the service of, Her Majesty in right of the Government of the United Kingdom,

he is being taken under the order or warrant to or from any place or is being kept in custody under the order or warrant or, pending the execution of the order or warrant, on remand.

(2) A person authorised by or for the purposes of a delivery order or transfer warrant to take another person to or from any place or to keep that person in custody shall have all the powers, authority, protection and privileges—

- (a) of a constable in the part of the United Kingdom in which that person is for the time being, or
- (b) if he is outside the United Kingdom, of a constable in the part of the United Kingdom to or from which the other person is to be taken.

(3) If a prisoner or any person who is in custody by virtue of this Order escapes or is unlawfully at large, he may be arrested without warrant by a constable and taken to any place where or to which, by virtue of this Order, he is required to be or to be taken.

(4) In paragraph (3) “constable”, in relation to any part of the United Kingdom, means any person who is a constable in that or any other part of the United Kingdom or any person who, at the place in question has, under any enactment or under paragraph (2), the powers of a constable in that or any other part of the United Kingdom.

Custodial sentences under United Kingdom law

26.—(1) Where in pursuance of this Order a person who is a prisoner is delivered up into the custody of—

- (a) the International Tribunal, or
- (b) a state where he is to undergo imprisonment under a sentence of the International Tribunal,

the prisoner shall continue to be liable to complete any term of imprisonment or detention to which he has been sentenced by a national court; but there shall be counted towards the completion of that term any time during which he is in the custody of the International Tribunal or another state.

(2) Where in pursuance of this Order a court orders the discharge of a person who is a prisoner, the discharge is without prejudice to the liability of the prisoner to complete any term of imprisonment or detention to which he has been sentenced by a national court; and accordingly a prisoner to whom such an order relates and whose sentence has not expired shall be transferred in custody to the place where he is liable to be detained under the sentence to which he is subject.

(3) 1986 c. 47.

(4) 1995 c. 21.

(5) 1982 c. 16.

(6) 1968 c. 59.

(3) Where in pursuance of this Order a delivery order is made or transfer warrant is issued in respect of a person who is a prisoner, the order or warrant may include provision authorising the return of the prisoner into the custody of the Secretary of State—

- (a) in accordance with arrangements made by the Secretary of State with the Registrar, or
- (b) in the case of a prisoner taken to a place where he is to undergo imprisonment under a sentence of the International Tribunal, in accordance with arrangements made by the Secretary of State with the state where that place is situated,

and for his transfer in custody to the place where he is liable to be detained under the sentence to which he is subject.

Evidence

27.—(1) For the purposes of this Order and any connected proceedings, an International Tribunal document may be taken to be such a document and to have been duly issued or made (and it shall accordingly be received in evidence without further proof) if—

- (a) it purports to have been issued or made in accordance with the Statute or the Rules or, in the case of a request to the Secretary of State, for the purposes of this Order, or
- (b) it is verified by a certificate purporting to be signed by the President of the International Tribunal, the Registrar or the Prosecutor certifying that the document is an International Tribunal document or, as the case may be, a true copy of such a document.

(2) In this article “International Tribunal document” means—

- (a) a warrant, order, summons or other process of the International Tribunal,
- (b) a copy of such warrant, order, summons or other process, or
- (c) a request to the Secretary of State by the International Tribunal,

and the reference to the President of the International Tribunal, the Registrar or the Prosecutor includes a reference to any person lawfully exercising the functions of the President, the Registrar or the Prosecutor, as the case may be.

(3) Judicial notice shall be taken of the Statute, the Rules and the seal of the International Tribunal.