
EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey specified provisions of the International Criminal Court Act 2001 (c.17) (“the 2001 Act”) subject to the modifications set out in the Schedule.

In particular, section 23(5) of the 2001 Act enables United Nations Security Council (UNSC) resolutions which might, depending upon their wording, override any immunities attaching to representatives of all States, including non-Parties, to be implemented in Jersey, where the UNSC refers a situation to the International Criminal Court (ICC) for investigation and prosecution. Section 44 of the 2001 Act enables the transfer of prisoners between the United Kingdom and Jersey to serve the remainder of an International Criminal Court sentence. Section 45 of the 2001 Act provides for the temporary transfer of a prisoner in custody between United Kingdom jurisdictions and the Jersey for the purpose, for example, of attending criminal proceedings against him or her. Section 70 of the 2001 Act makes various amendments to the Geneva Conventions Act 1957 to ensure that provisions governing the prosecution of grave breaches of the Geneva Conventions under that Act are consistent with those governing the prosecution of offences under the 2001 Act.