

These notes relate to the International Criminal Court (Scotland) Act 2001 (asp 13) which received Royal Assent on 24 September 2001

INTERNATIONAL CRIMINAL COURT (SCOTLAND) ACT 2001

EXPLANATORY NOTES

THE ACT

Background

Part 1 - Offences

Section 3 – Trial and punishment of main offences

11. This section makes provision in connection with the prosecution and sentencing of offences under sections 1 and 2 of the Act and offences ancillary to such offences. Subsection (2) provides that these offences must be tried in solemn proceedings, which means that the accused will be tried on indictment before a sheriff, or a judge of the High Court of Justiciary, with a jury of fifteen, whose verdict of guilty must be reached by at least eight votes. Subsection (3) provides that the prosecution of offences committed outwith Scotland may take place anywhere in Scotland. Sentencing of those found guilty of murder, as defined in subsection (6), or an offence ancillary to murder, will be in line with the domestic penalty for murder or relevant ancillary offence in relation to murder. For other offences, sentences of up to 30 years will be available.