

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 4 – General

Section 27 – Supplementary provisions relating to the ICC

45. This section applies the terms of paragraphs 5 and 6 of Schedule 1 to the UK Act. Paragraph 5 provides that documents which purport to be issued by the ICC are to be treated as authentic and therefore do not require further proof. Paragraph 6 explains that a certificate purporting to be issued by the ICC regarding certain aspects of ICC proceedings, and statements relating to evidence given in such proceedings, are admissible as evidence of those proceedings, and no further proof is required.

Section 28 – Interpretation

46. Crimes of aggression are not included within the definition of an “ICC crime”. This is because, under article 5 of the ICC Statute, the ICC will exercise its jurisdiction over the crime of aggression only when agreement has been reached on a definition of that crime and the conditions under which the jurisdiction will be exercised. Agreement has yet to be reached and would in any case require an amendment of the ICC Statute. The earliest such an amendment could be adopted is seven years after the coming into force of the Statute.