



International Criminal Court (Scotland) Act 2001

2001 asp 13

PART 3

ENFORCEMENT OF SENTENCES AND ORDERS

Orders

26 Power to make provision for enforcement of orders

- (1) The Scottish Ministers may make provision by regulations for the enforcement in Scotland of—
 - (a) fines or forfeitures ordered by the ICC; and
 - (b) orders by the ICC against convicted persons specifying reparations to, or in respect of, victims.
- (2) The regulations may authorise the Scottish Ministers—
 - (a) to appoint a person to act on behalf of the ICC for the purposes of enforcing the order; and
 - (b) to give such directions to the appointed person as appear to them necessary.
- (3) The regulations shall provide for the registration of the order by a court in Scotland as a precondition of enforcement.
- (4) An order shall not be so registered unless the court is satisfied that the order is in force and not subject to appeal.
- (5) If the order has been partly complied with, the court shall register the order for enforcement only so far as it has not been complied with.
- (6) The regulations may provide that—
 - (a) for the purposes of enforcement an order so registered has the same force and effect;
 - (b) the same powers are exercisable in relation to its enforcement; and
 - (c) proceedings for its enforcement may be taken in the same way,

Changes to legislation: *There are currently no known outstanding effects for the International Criminal Court (Scotland) Act 2001, Section 26. (See end of Document for details)*

as if the order were an order of a court in Scotland.

- (7) The regulations may for the purposes mentioned in subsection (6)(a) above apply any enactment relating to the enforcement in Scotland of orders of a court of a country or territory outside the United Kingdom.
- (8) A court shall not exercise its powers of enforcement under the regulations in relation to any property unless it is satisfied—
 - (a) that a reasonable opportunity has been given for persons holding any interest in the property to make representations to the court; and
 - (b) that the exercise of the powers will not prejudice the rights of bona fide third parties.
- (9) The regulations may provide that the reasonable expenses of and incidental to the registration and enforcement of an order are recoverable as if they were sums recoverable under the order.
- (10) Regulations under this section—
 - (a) may make different provision for different kinds of order; and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.

Changes to legislation:

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