

SCHEDULES

SCHEDULE 2

DELIVERY UP OF PERSONS SUBJECT TO CRIMINAL PROCEEDINGS, &C.

PART 1

CRIMINAL PROCEEDINGS

Effect on custodial sentences

- 5 (1) Where in pursuance of Part 2 of this Act a person who is a prisoner is delivered up—
- (a) into the custody of the ICC, or
 - (b) into the custody of a state where he is to undergo imprisonment under a sentence of the ICC,

he shall continue to be liable to complete any term of imprisonment or detention to which he had 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 ICC or of another state.

- (2) Where in pursuance of Part 2 of this Act 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.

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) Where in pursuance of Part 2 of this Act a delivery order is made in respect of a person who is a prisoner, the order 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 ICC, or
- (b) in the case of a prisoner taken to a place where he is to undergo imprisonment under a sentence of the ICC, 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 of the national court to which he is subject.

- (4) In the application of sub-paragraph (3) where the prisoner is liable to be detained in Scotland—

- (a) the reference to the custody of the Secretary of State shall be read as a reference to the custody of the Scottish Ministers, and

Status: This is the original version (as it was originally enacted).

- (b) the Secretary of State shall consult the Scottish Ministers before making any such arrangements as are mentioned in paragraph (a) or (b).
- (5) In this paragraph “prisoner” means—
- (a) a person serving a sentence in a prison or other institution to which the Prison Act 1952 (c. 52), the Prisons (Scotland) Act 1989 or the Prisons Act (Northern Ireland) 1953 applies, or
 - (b) a person serving a sentence of detention or imprisonment imposed by a service court.