
Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

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

PART 2

EXTRADITION PROCEEDINGS

Meaning of “extradition proceedings”

[^{F17} In this Part of this Schedule “extradition proceedings” means proceedings before a court or judge in the United Kingdom under the Extradition Act 2003.]

Textual Amendments

F1 Sch. 2 Pt. 2 para. 7 substituted (1.1.2004) by Extradition Act 2003 (c. 41), s. 219, Sch. 3 para. 13(1)(2); S.I. 2003/3103, art. 2

Extradition proceedings in England and Wales or Northern Ireland

- 8 (1) Where—
- (a) the Secretary of State receives a request from the ICC for the arrest and surrender, or provisional arrest, of a person, and
 - (b) extradition proceedings against that person are pending or in progress before a court in England and Wales or Northern Ireland,
- the Secretary of State shall inform the court of the request.
- (2) The court shall (if necessary) adjourn the proceedings before it, for such period or periods as it thinks fit, so as to enable proceedings to be taken to determine whether a delivery order should be made.
- (3) If a delivery order is made and the extradition proceedings are still pending or in progress, the Secretary of State—
- (a) shall consult the ICC before giving directions for the execution of the order, and
 - (b) may direct that the extradition proceedings shall be discontinued.
- (4) Where the Secretary of State directs that extradition proceedings shall be discontinued, the court before which the proceedings are pending or in progress shall—
- (a) order their discontinuance, and
 - (b) make any other order necessary to enable the delivery order to be executed (including any necessary order as to the custody of the person concerned).

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- (5) The discontinuance under this paragraph of extradition proceedings in respect of an offence does not prevent the institution of fresh extradition proceedings in respect of the offence.

[^{F2}(6) References in this paragraph to a court include references to a judge.]

Textual Amendments

F2 Sch. 2 Pt. 2 para. 8(6) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 219, [Sch. 3 para. 13\(1\)\(3\)](#); S.I. 2003/3103, [art. 2](#)

Extradition proceedings in Scotland

- 9 (1) Where—
- (a) the Secretary of State receives a request from the ICC for the arrest and surrender, or provisional arrest, of a person, and
 - (b) extradition proceedings against that person are pending or in progress before a court in Scotland,
- the Secretary of State shall inform the Scottish Ministers of the request and they shall inform the court.
- (2) The court shall (if necessary) adjourn the proceedings before it, for such period or periods as it thinks fit, so as to enable proceedings to be taken to determine whether a delivery order should be made.
- (3) If a delivery order is made and the extradition proceedings are still pending or in progress, the Secretary of State shall consult the ICC before giving directions for the execution of the order.

[^{F3}(4) References in this paragraph to a court include references to a judge.]

Textual Amendments

F3 Sch. 2 Pt. 2 para. 9(4) inserted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 219, [Sch. 3 para. 13\(1\)\(4\)](#); S.I. 2003/3103, [art. 2](#) (subject to savings Order (as amended by S.I. 2003/3103, [art. 2\(2\)](#)) and S.I. 2003/3258, [art. 2\(2\)\)\)](#)

Power to suspend or revoke warrant or order

- 10 [^{F4}(1) Where a court makes a delivery order in respect of a person whose extradition has been ordered under the Extradition Act 2003, it may make any such order as is necessary to enable the delivery order to be executed.]
- (2) The court may, in particular, suspend or revoke any warrant or other order made ^{F5} . . . in respect of the person.

Textual Amendments

F4 Sch. 2 Pt. 2 para. 10(1) substituted (1.1.2004) by [Extradition Act 2003 \(c. 41\)](#), s. 219, [Sch. 3 para. 13\(1\)\(5\)](#); S.I. 2003/3103, [art. 2](#) (subject to savings in Order (as amended by S.I. 2003/3312, [art. 2\(2\)](#)) and S.I. 2003/3258, [art. 2\(2\)\)\)](#)

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- F5** Words in Sch. 2 Pt. 2 para. 10(2) repealed (1.4.2004) by Extradition Act 2003 (c. 41), ss. 219, 220, Sch. 3 para. 13(1)(6), Sch. 4; S.I. 2003/3103, art. 2 (subject to savings in Order (as amended by S.I. 2003/3312, art. 2(2)) and S.I. 2003/3258, art. 2(2)))

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