



# International Criminal Court Act 2001

## 2001 CHAPTER 17

### PART 2

#### ARREST AND DELIVERY OF PERSONS

##### *Proceedings where court refuses delivery order*

#### **10 Appeal against refusal of delivery order: Scotland**

- (1) If a competent court in Scotland refuses to make a delivery order, the procurator fiscal may appeal against the decision to the High Court of Justiciary by note of appeal.
- (2) If the High Court of Justiciary allows the appeal it may—
  - (a) make a delivery order, or
  - (b) remit the case to the competent court to make a delivery order in accordance with the decision of the High Court of Justiciary.
- (3) Where a delivery order is made by the High Court of Justiciary, the provisions of section 11(1)(a) and (c), (2) and (3) (procedure where court makes delivery order) apply in relation to that court as they apply to a competent court in Scotland which makes a delivery order.
- (4) An order for the remand of the arrested person which continues in force under section 8(2) shall cease to have effect if the High Court of Justiciary dismisses the appeal.

Subject to that, any such order shall have effect so long as the case is pending.

For this purpose a case is pending (unless proceedings are discontinued) until (disregarding any power of a court to allow a step to be taken out of time) there is no step that the procurator fiscal can take.

- (5) In relation to an appeal under this section the High Court of Justiciary may make an order providing for the detention of the person to whom it relates or may grant bail.

---

**Changes to legislation:** *There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 10. (See end of Document for details)*

---

- (6) Section 177(2) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (disposal of the application for bail) applies for the purposes of such an appeal as it applies for the purposes of an appeal such as is mentioned in section 176 of that Act.

**Changes to legislation:**

There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 10.