



# International Criminal Court Act 2001

## 2001 CHAPTER 17

### PART 2

#### ARREST AND DELIVERY OF PERSONS

##### *Proceedings where court makes delivery order*

#### 12 Right to review of delivery order

- (1) The Secretary of State shall not give directions for the execution of a delivery order until after the end of the period of 15 days beginning with the date on which the order is made.

This does not apply if the person in respect of whom the order is made—

- (a) waives his rights under this section (see section 13), or
  - (b) is taken to have done so (see section 7(4)(b)).
- (2) If before the end of that period an application for habeas corpus is made by the person in respect of whom the delivery order is made, or on his behalf, directions for the execution of the order shall not be given while proceedings on the application are still pending.
- (3) Proceedings on any such application shall be treated as pending until they are discontinued or there is no further possibility of an appeal.

For this purpose any power of a court to allow an appeal out of time shall be disregarded.

- (4) On an application for habeas corpus to which this section applies—
- (a) the court shall set aside the delivery order and order the person's discharge if it is not satisfied of the matters mentioned in section 5(2), and
  - (b) the provisions of section 5(4) to (9) apply in relation to the court to which the application is made as they apply to the court that made the delivery order (but with the substitution in section 5(6) for "makes a delivery order" of "sets aside the delivery order").

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*Status: This is the original version (as it was originally enacted).*

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- (5) In the application of this section to Scotland references to an application for habeas corpus shall be read as references to the presentation of a Bill of Suspension.