



International Criminal Court Act 2001

2001 CHAPTER 17

PART 2

ARREST AND DELIVERY OF PERSONS

Proceedings on request

3 Request for provisional arrest

- (1) This section applies where the Secretary of State receives from the ICC a request for the provisional arrest of a person alleged to have committed an ICC crime or to have been convicted by the ICC.
- (2) If it appears to the Secretary of State that application for a warrant should be made in England and Wales—
 - (a) he shall transmit the request to a constable and direct the constable to apply for a warrant for the arrest of that person, and
 - (b) on an application by a constable stating on oath that he has reason to believe—
 - (i) that a request has been made on grounds of urgency by the ICC for the arrest of a person, and
 - (ii) that the person is in, or on his way to, the United Kingdom, an appropriate judicial officer shall issue a warrant for the arrest of that person.
- (3) If it appears to the Secretary of State that application for a warrant should be made in Scotland—
 - (a) he shall transmit the request to the Scottish Ministers who shall instruct the procurator fiscal to apply for a warrant for the arrest of that person, and
 - (b) on the application by the procurator fiscal, which shall state—
 - (i) that a request has been made on grounds of urgency by the ICC for the arrest of a person, and
 - (ii) that the person is in, or on his way to, Scotland, an appropriate judicial officer shall issue a warrant for the arrest of that person.

Status: This is the original version (as it was originally enacted).

- (4) Where an appropriate judicial officer issues a warrant under this section, he shall notify the Secretary of State and, where the proceedings are in Scotland, the Scottish Ministers that he has done so.
- (5) In this Part a warrant issued under this section is referred to as a “provisional warrant”.