



International Criminal Court Act 2001

2001 CHAPTER 17

PART 3

OTHER FORMS OF ASSISTANCE

Forms of assistance

32 Transfer of prisoner to give evidence or assist in investigation

- (1) This section applies where the Secretary of State receives a request from the ICC for the temporary transfer of a prisoner to the ICC for purposes of identification or for obtaining testimony or other assistance.
- (2) Where the prisoner is detained in Scotland, the Secretary of State shall transmit the request to the Scottish Ministers.
- (3) The relevant Minister may issue a warrant (a “transfer warrant”) requiring the prisoner to be delivered up, in accordance with arrangements made by the relevant Minister with the ICC, into the custody of the ICC.
- (4) A transfer warrant shall not be issued unless the prisoner consents to the transfer, but consent may not be withdrawn after the issue of the warrant.
- (5) The following provisions of Part 2 of this Act apply in relation to a transfer warrant under this section as they apply in relation to a delivery order under that Part—
 - section 15 (effect of delivery order), and
 - section 24 and Schedule 2 (delivery up of persons subject to criminal proceedings, &c.).
- (6) In this section “prisoner” means—
 - (a) a person serving a sentence in a prison to which the Prison Act 1952 (c. 52) or the Prison Act (Northern Ireland) 1953 (c.18(N.I.)) applies,
 - (b) a person serving a sentence in a prison, or in a young offenders institution, to which the Prisons (Scotland) Act 1989 (c. 45) applies,

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 32. (See end of Document for details)

- (c) a person serving a sentence of [^{F1}service detention (within the meaning of the Armed Forces Act 2006)] or imprisonment imposed by a service court,
 - (d) a person detained in custody otherwise than in pursuance of a sentence, including in particular—
 - (i) a person in custody awaiting trial or sentence,
 - (ii) a person committed to prison for contempt or for default in paying a fine,
 - (iii) a person in custody in connection with proceedings to which Part 2 or 3 of Schedule 2 applies (extradition or other delivery proceedings),
 - (iv) a person detained under any provision of the Immigration Act 1971 (c. 77) [^{F2}or the Nationality, Immigration and Asylum Act 2002] .
- (7) For the purposes of the Immigration Acts (within the meaning [^{F3}given by section 158 of the Nationality, Immigration and Asylum Act 2002](c. 33)) a person detained under any provision of the Immigration Act 1971 [^{F4}or the Nationality, Immigration and Asylum Act 2002] is not to be regarded as having left the United Kingdom at any time when a transfer warrant is in force in respect of him (including any time when he is in the custody of the ICC).
- (8) In this section, “the relevant Minister” means—
- (a) in relation to a person detained in England and Wales or Northern Ireland, the Secretary of State;
 - (b) in relation to a person detained in Scotland, the Scottish Ministers.

Textual Amendments

- F1** Words in s. 32(6) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 188](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** Words in s. 32(6)(d)(iv) inserted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), art. 3, [Sch. para. 13\(1\)](#)
- F3** Words in s. 32(7) substituted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), art. 3, [Sch. para. 13\(2\)](#)
- F4** Words in s. 32(7) inserted (4.4.2003) by [The Nationality, Immigration and Asylum Act 2002 \(Consequential and Incidental Provisions\) Order 2003 \(S.I. 2003/1016\)](#), art. 3, [Sch. para. 13\(2\)](#)

Modifications etc. (not altering text)

- C1** S. 32(6)(c) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 48\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 32.