
STATUTORY INSTRUMENTS

1996 No. 716

The United Nations (International Tribunal) (Former Yugoslavia) Order 1996

PART I

ARREST AND DELIVERY OF PERSONS TO THE INTERNATIONAL TRIBUNAL

Statement of case by competent court

7.—(1) If a competent court refuses to make a delivery order in relation to a person under article 6, the Secretary of State may question the decision on the ground that it is wrong in law by applying to the court to state a case for the opinion of the High Court on the question of law involved.

(2) The following provisions shall have effect with respect to an application made under paragraph (1)—

- (a) the application must be made within the period of 21 days following the day on which the order was refused unless the court allows a longer period;
- (b) the application must be made in writing and identify the question or questions of law on which the opinion of the High Court is sought;
- (c) within 21 days after the receipt of the application the clerk of the court shall send a draft stated case to the applicant and to the person to whom the warrant relates or his solicitor and shall allow each party 21 days from the date of the sending of the draft stated case within which to make representations on it;
- (d) within 21 days after the latest day on which such representations may be made the court shall, after considering any such representations and making such adjustments, if any, to the draft case as it thinks fit, state and sign the case and the clerk shall send the case to the applicant and send a copy of the case to the person to whom the warrant relates or his solicitor.

(3) If the court fails to state and sign a case within the period required by paragraph (2), the High Court may, on the application of the Secretary of State, make an order requiring it to do so.

(4) The High Court shall have power—

- (a) to remit the case to the competent court to decide it according to the opinion of the High Court on the question of law, or
- (b) to dismiss the application.

(5) If the High Court dismisses the application, the Secretary of State may, with the leave of the High Court or the House of Lords, appeal to the House of Lords; and section 1 of the Administration of Justice Act 1960(1) (appeal to the House of Lords) shall apply in relation to the appeal with the omission of so much of subsection (2) as restricts the grant of leave to appeal.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) An order for the remand of an arrested person which continues to have effect by virtue of article 6(6) shall cease to have effect if—

- (a) an application under paragraph (1) is not made by the Secretary of State within the period mentioned in paragraph (2)(a), or
- (b) the High Court dismisses the application and the Secretary of State does not immediately either apply for leave to appeal to the House of Lords or inform the High Court that he intends to apply for leave, or
- (c) the House of Lords refuses leave to appeal or dismisses the appeal.