

EXPLANATORY MEMORANDUM TO
THE INTERNATIONAL CRIMINAL COURT (OVERSEAS TERRITORIES)
ORDER 2009

2009 No. 1738

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the Instrument**

This Order extends the provisions of the International Criminal Court Act 2001 to the overseas territories listed in Annex 2, with the intention that the Rome Statute on the International Criminal Court (ICC) should be extended to those territories, as well as to Gibraltar (which has enacted its own legislation). Certain provisions have been omitted, such as Part 4, as they are not likely to be relevant to overseas territories and are not necessary for the full implementation of the Rome Statute. It is hoped that the extension of the Rome Statute can be notified to the Secretary General of the United Nations shortly.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative content**

This Order is made under section 79(3) of the International Criminal Court Act 2001. It is the first such Order made under that power.

5. **Territorial Extent and Application**

This instrument extends only to the overseas territories set out in Annex 2.

6. **European Convention on Human Rights**

As the instrument is only laid before Parliament and does not amend primary legislation, no statement is required.

6. **Policy background**

The policy objective is to enable the Rome Statute on the ICC to be extended to the United Kingdom's overseas territories. The United Kingdom is a strong supporter of the ICC and believes that the provisions of the Rome Statute should apply as widely as possible.

7. **Consultation outcome**

The Governments of the overseas territories concerned were consulted about the drafting of the Order.

9. Guidance

No guidance is thought necessary, but the FCO will be in touch with the overseas territories concerned to inform them of the making of the Order and to answer any questions they might have.

10. Impact

10.1 No impact on business, charities or voluntary bodies in the United Kingdom or in the overseas territories is foreseen.

10.2 No impact on the public sector in the United Kingdom or in the overseas territories is foreseen.

10.3 An impact assessment has not been prepared for this instrument. This is because an impact on the private or voluntary sector is not foreseen.

11. Regulating small business

The Order will have no impact on small businesses.

12. Monitoring and review

No requirement for monitoring and review of the provisions of the Order is foreseen.

13. Contact

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30 June 2009