

**EXPLANATORY MEMORANDUM TO**  
**THE INTERNATIONAL CRIMINAL COURT ACT 2001 (OVERSEAS**  
**TERRITORIES) (AMENDMENT) ORDER 2010**

**2010 No. 763**

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 makes certain technical amendments to the International Criminal Court Act 2001 (Overseas Territories) Order 2009 (S.I. 2009/1738) (“the 2009 Order”).

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

Please see the Annex.

**4. Legislative Context**

The Order is made under section 79(3) of the International Criminal Court Act 2001.

**5. Territorial Extent and Application**

This instrument extends only to the overseas territories listed in Annex 2 to the 2009 Order.

**6. European Convention on Human Rights**

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

**7. Policy background**

The purpose of this Order is to update, and correct certain deficiencies in, the 2009 Order.

**8. Consultation outcome**

The Governments of the overseas territories concerned were consulted about the drafting of the 2009 Order.

**9. Guidance**

No guidance is thought necessary, but the FCO will inform the overseas territories concerned about the making of the Order.

## **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.

## **11. Regulating small business**

The Order will have no impact on small businesses.

## **12. Monitoring & review**

No requirement for monitoring and review is foreseen.

## **13. Contact**

Chris Whomersley in the Foreign and Commonwealth Office [telephone: 020 7008 3284 or email: [chris.whomersley@fco.gov.uk](mailto:chris.whomersley@fco.gov.uk)] can answer any queries regarding the instrument.

# **ANNEX TO THE EXPLANATORY MEMORANDUM TO THE INTERNATIONAL CRIMINAL COURT ACT 2001 (OVERSEAS TERRITORIES) (AMENDMENT) ORDER 2010**

1. The Foreign and Commonwealth Office (FCO) wish to draw attention to the following points which explain the need for this Order.
2. First, the name of the overseas territory “St Helena and its Dependencies” has recently been changed to “St Helena, Ascension and Tristan da Cunha”; this needed to be reflected in the 2009 Order, and paragraphs 15 and 17 of the Schedule make the necessary amendments.
3. Second, unfortunately, the email sending the final draft of the 2009 Order to the Attorney General of the Sovereign Base Areas went astray, and therefore the 2009 Order does not reflect the up-to-date legal position in the Sovereign Base Areas. This has necessitated the changes in paragraphs 18 and 19 of the Schedule, as well as the technical change reflected in paragraph 8.
4. Thirdly, as will be apparent, the structure of the 2009 Order is a complex one, with a number of Schedules and Annexes. When preparing drafts of the 2009 Order, the template on which Statutory Instruments now have to be produced insisted on renumbering the various Schedules and Annexes. It was thought that this problem had been resolved, but unfortunately it appears that some provisions in the text of the Order which was eventually made by Her Majesty in Council were wrongly numbered. Accordingly, the changes made in the Schedule to this Order are designed to correct this misnumbering.
5. Finally, the FCO regret to say that there were a number of minor typographical errors in the 2009 Order, and this Order also corrects these.
6. The FCO apologises for the errors noted above.