

2004 No. 360

INTERNATIONAL CRIMINAL COURT

**The International Criminal Court (Enforcement of Fines,
Forfeiture and Reparation Orders) (Scotland) Regulations 2004**

Made - - - - - *26th August 2004*

Laid before the Scottish Parliament *31st August 2004*

Coming into force - - - *1st October 2004*

The Scottish Ministers, in exercise of the powers conferred by section 26 of the International Criminal Court (Scotland) Act 2001(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the International Criminal Court (Enforcement of Fines, Forfeiture and Reparation Orders) (Scotland) Regulations 2004 and shall come into force on 1st October 2004.

Interpretation

2. In these Regulations, “the Order” means—
- (a) a fine or forfeiture ordered by the ICC; or
 - (b) an order by the ICC against a person convicted by the ICC specifying a reparation to, or in respect of, a victim.

Person appointed to act for the ICC

3. On receipt of the Order the Scottish Ministers may appoint the Lord Advocate to act on behalf of the ICC for the purposes of enforcing the Order.

Registration of Order

4.—(1) On appointment by the Scottish Ministers in terms of regulation 3, the Lord Advocate shall apply to the Court of Session for registration of the Order for enforcement.

(2) Registration of the Order by the Court of Session (subject to section 26(4) and (5) of the International Criminal Court (Scotland) Act 2001) is a precondition of enforcement.

(3) The registration of the Order under this regulation shall be cancelled if the Order is satisfied by other means.

Effect of registration

5. For the purposes of enforcement of the Order when registered—
- (a) the Order has the same force and effect;
 - (b) the same powers are exercisable in relation to its enforcement; and
 - (c) proceedings for its enforcement may be taken in the same way,

as if the Order were an order of the Court of Session.

Disposal of property

6.—(1) The court may, on the application of the Lord Advocate, vest in him any property to which the Order relates in order for it to be disposed of.

- (2) The Lord Advocate shall transmit the proceeds of disposal to the ICC.

Recovery of expenses

7. The reasonable expenses of, and incidental to, the registration and enforcement of the Order shall be recoverable as if they were sums recoverable under the Order.

CATHY JAMIESON
A member of the Scottish Executive

St Andrew's House,
Edinburgh
26th August 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the enforcement in Scotland of fines and forfeitures ordered by the International Criminal Court (“the ICC”) and of orders by the ICC against convicted persons specifying reparations to, or in respect of, victims.

The Regulations provide for:–

- (a) the appointment of the Lord Advocate to act on behalf of the ICC for the purposes of enforcing an order of the ICC (regulation 3);
- (b) the registration of the order in the Court of Session (regulation 4);
- (c) the effect of registration (regulation 5);
- (d) the vesting and disposal of property to which the order relates (regulation 6);
- (e) the recovery of the expenses of registration and enforcement of the order (regulation 7).

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