



International Criminal Court Act 2001

2001 CHAPTER 17

PART 2

ARREST AND DELIVERY OF PERSONS

Proceedings where court makes delivery order

11 Procedure where court makes order

- (1) Where a competent court makes a delivery order in respect of a person, the court shall—
 - (a) commit the person to custody or on bail to await the Secretary of State's directions as to the execution of the order,
 - (b) inform the person of his rights under section 12 (right to review of delivery order) in ordinary terms and in a language which appears to the court to be one which he fully understands and speaks, and
 - (c) notify the Secretary of State and, in the case of proceedings in Scotland, the Scottish Ministers of its decision.
- (2) A person committed to custody under subsection (1)(a) shall be committed to prison or to the custody of a constable.
- (3) A court which commits a person to custody under subsection (1)(a) may subsequently grant bail.

12 Right to review of delivery order

- (1) The Secretary of State shall not give directions for the execution of a delivery order until after the end of the period of 15 days beginning with the date on which the order is made.

This does not apply if the person in respect of whom the order is made—

- (a) waives his rights under this section (see section 13), or
- (b) is taken to have done so (see section 7(4)(b)).

Status: Point in time view as at 01/04/2005.

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Cross Heading: Proceedings where court makes delivery order. (See end of Document for details)

(2) If before the end of that period an application for habeas corpus is made by the person in respect of whom the delivery order is made, or on his behalf, directions for the execution of the order shall not be given while proceedings on the application are still pending.

(3) Proceedings on any such application shall be treated as pending until they are discontinued or there is no further possibility of an appeal.

For this purpose any power of a court to allow an appeal out of time shall be disregarded.

(4) On an application for habeas corpus to which this section applies—

(a) the court shall set aside the delivery order and order the person's discharge if it is not satisfied of the matters mentioned in section 5(2), and

(b) the provisions of section 5(4) to (9) apply in relation to the court to which the application is made as they apply to the court that made the delivery order (but with the substitution in section 5(6) for "makes a delivery order" of "sets aside the delivery order").

(5) In the application of this section to Scotland references to an application for habeas corpus shall be read as references to the presentation of a Bill of Suspension.

13 Waiver of right to review

(1) A person in respect of whom a delivery order has been made may waive his right to review of the order.

(2) Waiver of the right to review may be made—

(a) by the person himself, or

(b) in circumstances in which it is inappropriate for the person to act for himself, by reason of his physical or mental condition or his youth, by an appropriate person acting on his behalf.

(3) Waiver of the right to review must—

(a) be made in writing in the prescribed form or a form to the like effect, and

(b) be signed in the presence of a justice of the peace or, in Scotland, a sheriff.

The "prescribed form" means that prescribed by [^{F1}Criminal Procedure Rules] or, in Scotland, by the High Court of Justiciary by Act of Adjournal.

(4) Where a person has waived his right to review of the delivery order—

(a) no such application as is mentioned in section 12 may be made, and

(b) the order shall be taken for all purposes to be validly made.

(5) Where a person has waived his right to review, notice of that fact shall be given—

(a) if the person is in custody, to the prison governor, constable or other person in whose custody he is;

(b) if the person is on bail in England and Wales, to the officer in charge of the police station at which he is required to surrender to custody.

(6) For the purposes of subsection (5)(b) notice shall be treated as given if it is sent by registered post, or recorded delivery, addressed to the officer mentioned.

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Textual Amendments

- F1** Words in s. 13(3) substituted (1.4.2005) by Courts Act 2003 (c. 39), s. 109(1), **Sch. 8 para. 403(a)**; S.I. 2005/910, **art. 3**
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Commencement Information

- I1** Act wholly in force at 1.9.2001; Act not in force at Royal Assent see s. 82; Act in force for specified purposes at 13.6.2001 and otherwise 1.9.2001 by S.I. 2001/2161, **arts. 2, 3** (as amended (25.6.2001) by S.I. 2001/2304, **art. 2**)

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