



# International Criminal Court Act 2001

## 2001 CHAPTER 17

### PART 2

#### ARREST AND DELIVERY OF PERSONS

##### *Request for transit and unscheduled landing*

#### **21 Request for transit**

- (1) This section applies where the Secretary of State receives a request from the ICC for transit of a person being surrendered by another state.
- (2) If the Secretary of State accedes to the request—
  - (a) the request shall be treated for the purposes of this Part as if it were a request for that person's arrest and surrender,
  - (b) the warrant accompanying the request shall be deemed to have been endorsed under section 2(3), and
  - (c) the person to whom the request relates shall be treated on arrival in the United Kingdom as if he had been arrested under that warrant.
- (3) In relation to a case where this section applies—
  - (a) the reference in section 5(2)(a)(i) to the warrant having been duly endorsed under section 2(3) shall be read as a reference to the Secretary of State having acceded to the request for transit; and
  - (b) section 12(1) (right to review of delivery order: period for making application) shall have effect as if the reference to 15 days (the period during which directions to execute delivery order are not to be given) were a reference to two days.
- (4) A person in transit under this section shall not be granted bail.

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*Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Cross Heading: Request for transit and unscheduled landing. (See end of Document for details)*

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## **22 Unscheduled landing**

- (1) If a person being surrendered by another state makes an unscheduled landing in the United Kingdom, he may be arrested by any constable and shall be brought before a competent court as soon as is practicable.
- (2) The court shall remand him in custody pending—
  - (a) receipt by the Secretary of State of a request from the ICC for his transit, and
  - (b) the Secretary of State’s decision whether to accede to the request.
- (3) If no such request is received by the Secretary of State before the end of the period of 96 hours beginning with the time of the arrested person’s unscheduled landing—
  - (a) the Secretary of State shall forthwith notify the court of that fact, and
  - (b) the court shall, on receipt of the notification, discharge the arrested person.
- (4) If the Secretary of State receives such a request before the end of that period, he shall notify the court without delay of his decision whether to accede to the request.
- (5) If the Secretary of State notifies the court that he has decided to accede to the request—
  - (a) the court shall, on receipt of the notification, terminate the period of remand, and
  - (b) the provisions of section 21 (request for transit) apply with the substitution for the reference in subsection (2)(c) to the time of arrival in the United Kingdom of a reference to the time of notification to the court.
- (6) If the Secretary of State notifies the court that he has decided not to accede to the request, the court shall, on receipt of the notification, discharge the arrested person.
- (7) In the applications of subsections (3) to (6) to proceedings in Scotland, any duty of the Secretary of State to notify the court shall be read as a duty to notify the Scottish Ministers who shall forthwith notify the court accordingly.

**Changes to legislation:**

There are currently no known outstanding effects for the International Criminal Court Act 2001,  
Cross Heading: Request for transit and unscheduled landing.