



International Criminal Court Act 2001

2001 CHAPTER 17

PART 6

GENERAL PROVISIONS

Interpretation

75 Meaning of “national court” and “service court”

In this Act—

“national court” means a court in the United Kingdom or a service court; and

[^{F1} “service court” means—

- (a) the Court Martial;
- (b) the Service Civilian Court;
- (c) the Court Martial Appeal Court; or
- (d) the Supreme Court on an appeal brought from the Court Martial Appeal Court.]

Textual Amendments

F1 Words in s. 75 substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 190](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

76 Meaning of “British aircraft”, “British hovercraft” and “British ship”

(1) In this Act—

“British aircraft” means a British-controlled aircraft within the meaning of section 92 of the Civil Aviation Act 1982 (c. 16) (application of criminal law to aircraft), or one of Her Majesty’s aircraft;

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“British hovercraft” means a British-controlled hovercraft within the meaning of that section as applied in relation to hovercraft by virtue of provision made under the Hovercraft Act 1968 (c. 59), or one of Her Majesty’s hovercraft; and

“British ship” means a British ship within the meaning of the Merchant Shipping Act 1995 (c. 21), or one of Her Majesty’s ships.

- (2) References in subsection (1) to Her Majesty’s aircraft, hovercraft or ships are to the aircraft, hovercraft or, as the case may be, ships which belong to, or are exclusively employed in the service of, Her Majesty in right of the government of the United Kingdom.

Application and extent

77 Application of provisions in relation to other International Tribunals

- (1) Section 23 (provisions as to state or diplomatic immunity) applies in relation to proceedings under—

- (a) the United Nations (International Tribunal) (Former Yugoslavia) Order 1996 (S.I. 1996/716), or
- (b) the United Nations (International Tribunal) (Rwanda) Order 1996 (S.I. 1996/1296),

as it applies in relation to proceedings under Part 2 of this Act, with the following adaptations.

- (2) The adaptations are—

- (a) in subsection (1) omit the words “by reason of a connection with a state party to the ICC Statute”;
- (b) omit subsections (2), (3) and (5);
- (c) in subsection (4)—
 - (i) for the reference to the ICC substitute a reference to the relevant International Tribunal, and
 - (ii) omit the words “or (2)”.

- (3) The provisions of sections 42 to 48 (enforcement of sentences of imprisonment) apply, with any necessary modifications, in relation to a sentence of imprisonment imposed by either of the International Tribunals to which the Orders mentioned in subsection (1) above apply as they apply in relation to a sentence of the ICC.

- (4) The power conferred by section 1 of the United Nations Act 1946 (c. 45) (power to give effect by Order in Council to measures not involving the use of armed force) includes power to make in relation to any other tribunal of a similar character that may be established by resolution of the Security Council of the United Nations provision corresponding to that made in relation to the ICC by the provisions of this Act mentioned in subsection (1) or (3) above.

[^{F2}77A The Special Court for Sierra Leone

- (1) Her Majesty may by Order in Council make in relation to the Special Court for Sierra Leone provision—

- (a) having effect in England and Wales, and

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- (b) corresponding to that made in relation to the ICC by sections 42 to 48 (enforcement of sentences of imprisonment), with any necessary modifications.
- (2) An Order in Council made under this section must be laid before Parliament after it is made.]

Textual Amendments

F2 S. 77A inserted (E.W.) (18.6.2007) by [International Tribunals \(Sierra Leone\) Act 2007 \(c. 7\)](#), s. 1

78 Crown application

This Act binds the Crown and applies to persons in the public service of the Crown, and property held for the purposes of the public service of the Crown, as it applies to other persons and property.

79 Extent

- (1) The following provisions of this Act do not extend to Scotland—
- (a) Part 3 (other forms of assistance), except section 32 (transfer of prisoner to give evidence or assist in investigation) and section 39 (production or disclosure prejudicial to national security);
 - (b) section 49 (power to make provision for enforcement of orders other than sentences of imprisonment);
 - (c) Part 5 (offences under domestic law), except—
 - section 50(3) (regulations setting out Elements of Crimes),
 - section 50(4) (Orders in Council specifying relevant reservations or declarations),
 - section 70 (offences under section 1 of the Geneva Conventions Act 1957 (c. 52)), and
 - sections 71 to 73 (extradition);
 - (d) the repeal by Schedule 10 of the provisions of the Genocide Act 1969 (c. 12) creating the offence of genocide.
- (2) This Act extends to Northern Ireland.
- (3) Her Majesty may by Order in Council make provision for extending the provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man or any colony.
- (4) Section 77 of this Act (application of provisions to other International Tribunals) has the same extent as section 1 of the United Nations Act 1946 (c. 45).

^{F3}(5)

Textual Amendments

F3 S. 79(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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Modifications etc. (not altering text)

- C1** S. 79(3) modified (12.11.2009) by Coroners and Justice Act 2009 (c. 25), ss. 181(9), 182(1)(f) (with s. 180)

Commencement Information

- I1** S. 79 wholly in force at 1.9.2001; s. 79 not in force at Royal Assent see s. 82; s. 79(3) 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); s. 79(1)(2)(4)(5) in force at 1.9.2001 by S.I. 2001/2161, art. 2

80 Power to make provision in relation to Scotland

- (1) The Secretary of State may by regulations make such modifications or adaptations of this Act as appear to him appropriate for co-ordinating the provisions of this Act and any corresponding provisions of an Act of the Scottish Parliament.
- (2) The regulations may, in particular, make provision—
 - (a) for the transmission to and from Scottish Ministers of communications from and to the ICC, and
 - (b) for warrants, orders and other things done under the Scottish provisions to have effect in England and Wales or Northern Ireland as if done under the corresponding provisions of this Act.
- (3) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

- I2** S. 80 wholly in force at 1.9.2001; s. 80 not in force at Royal Assent see s. 82; s. 80(3) 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); s. 80(1)(2) in force at 1.9.2001 by S.I. 2001/2161, art. 2

Final provisions

81 Index of defined expressions

In this Act the expressions listed below are defined or otherwise explained by the provisions indicated—

act and conduct (in Part 5)	section 69
ancillary offence (in Part 5)	
—in England and Wales	section 55
—in Northern Ireland	section 62
appropriate judicial officer (in Part 2)	section 26
article	section 1(2)
British aircraft, British hovercraft and British ship	section 76

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competent court (in Part 2)	section 26
crime against humanity (in Part 5)	section 50(1)
delivery order (in Part 2)	section 5(3)
detained (in sections 42 to 47)	section 48(1)
genocide (in Part 5)	section 50(1)
the ICC	section 1(1)
ICC crime	section 1(1)
the ICC Statute	section 1(1)
national court	section 75
person subject to UK service jurisdiction (in Part 5)	section 67(3)
the prisoner (in Part 4)	section 42(1)
provisional warrant (in Part 2)	section 3(5)
remand (in Part 2)	section 16
section 2 warrant (in Part 2)	section 2(5)
service court	section 75
United Kingdom national (in Part 5)	section 67(1)
United Kingdom resident (in Part 5)	section 67(2)
war crime (in Part 5)	section 50(1)

82 Commencement

- (1) The provisions of this Act come into force on such day as the Secretary of State may by order appoint.
- (2) Any such order shall be made by statutory instrument and may appoint different days for different provisions and purposes.

Subordinate Legislation Made

- P1** [S. 82](#) power partly exercised: different dates appointed by [S.I. 2001/2161](#), [arts. 2, 3](#) (as amended (25.6.2001) by [S.I. 2001/2304](#), [art. 2](#))

83 Repeals

The enactments mentioned in Schedule 10 are repealed to the extent specified.

Modifications etc. (not altering text)

- C2** [S. 83](#) extended (IoM) (1.4.2004) by [S.I. 2004/714](#), [art. 2\(e\)](#)

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84 Short title

This Act may be cited as the International Criminal Court Act 2001.

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