

*Status: Point in time view as at 28/03/2009.*

*Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, SCHEDULE 1. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1(3)

#### SUPPLEMENTARY PROVISIONS RELATING TO THE ICC

##### *Legal capacity, privileges and immunities*

1 (1) Her Majesty may by Order in Council confer on the ICC the legal capacities of a body corporate.

(2) Her Majesty may by Order in Council provide that—

- (a) the ICC,
- (b) the judges, the Prosecutor, the Deputy Prosecutors and the Registrar [<sup>F1</sup>and members of their families who form part of their households,]
- (c) the Deputy Registrar, the staff of the Office of the Prosecutor and the staff of the Registry, <sup>F2</sup>. . .
- (d) counsel, experts, witnesses and other persons involved in proceedings of the ICC, [<sup>F3</sup>and]
- [<sup>F4</sup>(e) persons attending meetings of the Assembly (including persons attending such meetings as observers and persons invited to such meetings),]

shall have such privileges and immunities as, in the opinion of Her Majesty, are or will be required for giving effect to the ICC Statute or any related agreement to which the United Kingdom, or Her Majesty's government in the United Kingdom, is or will be a party.

[<sup>F5</sup>(3) In sub-paragraph (2)(e) “the Assembly” means the Assembly of States Parties to the ICC statute (and includes the subsidiary organs of that Assembly).]

##### **Textual Amendments**

- F1** Words in Sch. 1 para. 1(2)(b) inserted (7.6.2005) by International Organisations Act 2005 (c. 20), ss. 6(2)(a), 11(3)
- F2** Word in Sch. 1 para. 1(2)(c) repealed (7.6.2005) by International Organisations Act 2005 (c. 20), ss. 6(2)(b), 9, 11(3), Sch.
- F3** Sch. 1 para. 1(2)(e) and word inserted (7.6.2005) by International Organisations Act 2005 (c. 20), ss. 6(2)(c), 11(3)
- F4** Sch. 1 para. 1(2)(e) and word inserted (7.6.2005) by International Organisations Act 2005 (c. 20), ss. 6(2)(c), 11(3)
- F5** Sch. 1 para. 1(3) inserted (7.6.2005) by International Organisations Act 2005 (c. 20), ss. 6(3), 11(3)

##### **Commencement Information**

- I1** Sch. 1 para. 1 wholly in force at 1.9.2001; Sch. 1 para. 1 not in force at Royal Assent see s. 82; Sch. 1 para. 1 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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*Power to provide for sittings of the ICC in the UK*

- 2 (1) Her Majesty may by Order in Council make such provision as appears to Her Majesty to be necessary or expedient to enable sittings of the ICC to be held in the United Kingdom.
- (2) Provision may in particular be made with respect to the detention of persons in the custody of the ICC.

*Power to give effect to Rules of Procedure and Evidence etc.*

- 3 Her Majesty may by Order in Council make such provision as appears to Her Majesty to be necessary or expedient for giving effect to—
- (a) any Rules of Procedure and Evidence having effect under article 51, and
  - (b) any related agreement to which the United Kingdom, or Her Majesty's government in the United Kingdom, is a party.

*Parliamentary approval of draft Orders*

- 4 No recommendation shall be made to Her Majesty to make an Order in Council under paragraph 1, 2 or 3 unless a draft—
- (a) has been laid before Parliament and approved by a resolution of each House of Parliament, and
  - (b) has been laid before, and approved by resolution of, the Scottish Parliament.

*Proof of orders, etc. of the ICC*

- 5 (1) An order, judgment, warrant or request of the ICC which purports—
- (a) to bear the seal of the ICC, or
  - (b) to be signed by a person in his capacity as a judge or officer of the ICC,
- shall, for the purposes of this Act, be deemed without further proof to have been duly sealed or, as the case may be, to have been signed by that person.
- (2) A document, duly authenticated, which purports to be a copy of an order, judgment, warrant or request of the ICC shall, for the purposes of this Act, be deemed without further proof to be a true copy.

For this purpose a document is duly authenticated if it purports to be certified by any person in his capacity as a judge or officer of the ICC.

**Modifications etc. (not altering text)**

**C1** Sch. 1 para. 5 applied (S.) (17.12.2001) by 2001 asp 13, s. 27(1) (with s. 29); S.S.I. 2001/456, art. 2

*Evidence about ICC proceedings and orders*

- 6 (1) For the purposes of this Act a certificate purporting to be issued by or on behalf of the ICC stating—
- (a) that an investigation has been initiated by the Court, or that proceedings before the Court have been instituted and have not been concluded,
  - (b) that an order of the Court is in force and is not subject to appeal,

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- (c) that property recoverable under a forfeiture order made by the Court remains unrecovered, or
- (d) that any person has been notified of any proceedings in accordance with the ICC Statute,

is admissible in proceedings under this Act as evidence of the facts stated.

- (2) In proceedings under Part 2, 3 or 4 of this Act a statement contained in a document, duly authenticated, which purports to have been received in evidence or to be a copy of a document so received, or to set out or summarise evidence given, in proceedings before the ICC is admissible as evidence of any fact stated in it.

For this purpose a document is duly authenticated if it purports to be certified by any person in his capacity as a judge or officer of the ICC, to have been received in evidence or to be a copy of a document so received, or, as the case may be, to be the original document setting out or summarising the evidence or a true copy of that document.

- (3) Nothing in this paragraph affects the admission of any evidence, whether contained in a document or otherwise, which is admissible apart from this paragraph.

**Modifications etc. (not altering text)**

**C2** Sch. 1 para. 6 applied (with modifications) (S.) (17.12.2001) by 2001 asp 13, s. 27(2) (with s. 29); S.S.I. 2001/456, art. 2

*Pension provision for UK judges of ICC*

- 7 (1) The appropriate Minister may by order make provision for securing that a holder of a United Kingdom judicial office who serves as a judge of the ICC is not worse off as regards pension benefits than if he had not been appointed to the ICC.
- (2) The order may—
  - (a) entitle an ICC judge who was, immediately before his appointment as an ICC judge, a member of a judicial pension scheme to remain as a member of that scheme, or
  - (b) authorise the making of such other arrangements as appear to the Minister to be appropriate.
- (3) An order making such provision as is mentioned in sub-paragraph (2)(a) may include such provision as the appropriate Minister considers is necessary to secure—
  - (a) that the terms on which an ICC judge remains a member of a judicial pension scheme are those which would have been applicable had he not been appointed as an ICC judge, and
  - (b) that entitlement to benefits payable in accordance with the scheme continues to be determined as if, while serving as an ICC judge, his salary was that which would (but for section 68(3)(a) of the Access to Justice Act 1999 (c. 22)) have been payable to him in respect of his continuing service as the holder of his United Kingdom judicial office.
- (4) Any such order may also make provision—
  - (a) for any contributions payable by a person who remains a member of a judicial pension scheme as a result of the order, and which would otherwise

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- be payable by deduction from his salary, to be made otherwise than by deduction from his salary as an ICC judge, and
- (b) for such contributions to be collected in such manner as may be determined by the administrators of the scheme.
- (5) Any such order—
- (a) shall have effect notwithstanding section 68(3)(b) of the Access to Justice Act 1999, and
- (b) may amend any provision of, or made under, any of the judicial pensions Acts in such manner and to such extent as the appropriate Minister considers necessary or expedient to ensure the proper administration of any scheme to which it relates.
- (6) Any payments made in pursuance of such arrangements as are mentioned in subparagraph (2)(b) to, or in respect of, a holder of a United Kingdom judicial office shall be charged on, and paid out of, the Consolidated Fund.
- (7) In this paragraph—
- “the appropriate Minister” means—
- (a) in relation to a judicial office whose jurisdiction is exercisable exclusively in Scotland, the Secretary of State, and
- (b) otherwise, the Lord Chancellor;
- “the judicial pensions Acts” means—
- (a) the County Courts Act (Northern Ireland) 1959 (c. 25) (N.I.),
- (b) the Sheriffs’ Pensions (Scotland) Act 1961 (c. 42),
- (c) the Judicial Pensions Act 1981 (c. 20), and
- (d) the Judicial Pensions and Retirement Act 1993 (c. 8);
- “judicial pension scheme” means a scheme established by and in accordance with any of those Acts; and
- “United Kingdom judicial office” means the office of—
- (a) Lord Justice of Appeal, Justice of the High Court or Circuit judge, in England and Wales,
- (b) judge of the Court of Session or sheriff, in Scotland, or
- (c) Lord Justice of Appeal, judge of the High Court or county court judge, in Northern Ireland.
- (8) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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