
STATUTORY INSTRUMENTS

1996 No. 716

The United Nations (International Tribunal) (Former Yugoslavia) Order 1996

PART II

DISCONTINUANCE OF PROCEEDINGS IN NATIONAL COURTS

Discontinuance of relevant proceedings

14.—(1) This article applies where the Secretary of State receives from the International Tribunal a request in accordance with the Statute and the Rules that a national court should defer to the competence of the International Tribunal by discontinuing proceedings to which the request relates.

(2) The Secretary of State shall transmit the request to the court in which the proceedings are taking place by a notice addressed to the appropriate person; and for the purposes of this paragraph the appropriate person in the case of a court mentioned below is the person or authority indicated—

Magistrates' court	Clerk of the Court
Court of summary jurisdiction	Clerk of Petty Sessions
Crown Court	Chief Clerk of the Crown Court
High Court	Head Clerk, Crown Office
High Court of Northern Ireland	Master (Queen's Bench and Appeals)
Court of Appeal	Chief Clerk (Criminal Division)
House of Lords	Judicial Office of the House of Lords
Court-martial under the Army Act 1955 or the Air Force Act 1955	Convening Officer
Court-martial or disciplinary court under the Naval Discipline Act 1957	Convening Authority

(3) If the court to which a request is transmitted is satisfied that—

- (a) the request relates to relevant proceedings within the meaning of this article, and
- (b) in the case of proceedings which are relevant proceedings by virtue of paragraph (5)(a) or (d), those proceedings are in respect of conduct which would constitute an International Tribunal crime,

the court shall order the discontinuance of the proceedings and may make such other orders as are appropriate to give effect to the request, including the revocation of a warrant of arrest issued in connection with the proceedings.

(4) For the purpose of considering a request transmitted to it in pursuance of this article, the court may adjourn the proceedings for such period or periods, and on such conditions, as it deems fit; and

if the court is not satisfied as to the matters specified in paragraph (3), it shall make no order for the discontinuance of the proceedings.

(5) Relevant proceedings within the meaning of this article are—

- (a) proceedings in a magistrates' court, a court of summary jurisdiction or the Crown Court in connection with an indictable offence of which the accused has not yet been convicted,
- (b) proceedings under the Extradition Act 1989(1) relating to a person in respect of whom an arrest warrant has been issued pursuant to section 8 of or paragraph 5 of Schedule 1 to that Act or proceedings in connection with such proceedings, or
- (c) proceedings under the Backing of Warrants (Republic of Ireland) Act 1965(2) relating to a person in respect of whom a warrant has been endorsed pursuant to section 1 of that Act or a provisional warrant has been issued pursuant to section 4 of that Act or proceedings in connection with such proceedings, or
- (d) proceedings in a service court in connection with an offence of which the accused has not yet been convicted.

(6) The discontinuance of any proceedings in pursuance of a request by the International Tribunal shall not of itself prevent—

- (a) the institution of fresh proceedings in a national court, or
- (b) the issue under section 7 of the Extradition Act 1989 of a fresh authority to proceed or the making of a fresh order by the Secretary of State under paragraph 4 of Schedule 1 to that Act, or
- (c) the endorsement of a fresh warrant or the issue of a fresh provisional warrant under the Backing of Warrants (Republic of Ireland) Act 1965,

in respect of the same offence.

(7) In the application of this article to Scotland the following modifications shall have effect—

- (a) the Secretary of State shall transmit to the Lord Advocate any request made by the International Tribunal which relates to proceedings in a court in Scotland;
- (b) paragraphs (2) to (5) shall be omitted.

(1) 1989 c. 33.
(2) 1965 c. 45.