

**2001 No. 2600 (L. 27)**

**MAGISTRATES' COURTS, ENGLAND AND WALES  
PROCEDURE**

**The Magistrates' Courts (International Criminal Court)  
(Forms) Rules 2001**

*Made* - - - - - *17th July 2001*  
*Laid before Parliament* *19th July 2001*  
*Coming into force* - - *1st September 2001*

The Lord Chancellor, in exercise of the powers conferred upon him by section 144 of the Magistrates' Courts Act 1980(a), after consultation with the Rule Committee appointed under that section, makes the following Rules:

1. These Rules may be cited as the Magistrates' Courts (International Criminal Court) (Forms) Rules 2001 and shall come into force on 1st September 2001.
2. In these Rules:
  - "the Act" means the International Criminal Court Act 2001(b);
  - "competent court" has the same meaning as it has in the Act; and
  - "the International Criminal Court" means the International Criminal Court established by the Statute of the International Criminal Court, done at Rome on 17th July 1998.
3. The provisions of the Magistrates' Courts Rules 1981(c) shall have effect subject to the provisions of these Rules.
4. Consent to surrender given under section 7 of the Act (consent to surrender) must be in writing in form 1 set out in the Schedule to these Rules or a form to the like effect.
5. Waiver given under section 13 of the Act (waiver of the right to review) must be in writing in form 2 set out in the Schedule to these Rules or a form to the like effect.

Signed by authority of the Lord Chancellor

Dated 17th July 2001

*Michael Wills*  
Parliamentary Secretary,  
Lord Chancellor's Department

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(a) 1980 c. 43; section 144 is extended by section 145 of that Act and amended by the Access to Justice Act 1999 (c. 22), section 90(1), Schedule 13, paragraph 116 and section 78(2), Schedule 11, paragraph 29.  
(b) 2001 c. 17.  
(c) S.I. 1981/552; relevant amending instruments are S.I. 1983/523, 1984/1552, 1985/1944, 1986/1332, 1988/2132, 1989/300 and 1597, 1990/336, 1190 and 2260, 1992/709, 729 and 2072, 1993/1183, 1994/1481 and 3154, 1995/585 and 2619, 1997/706, 1998/2167, 1999/2765, 2000/3361 and 2001/167 and 610.

SCHEDULE  
FORMS

Rules 4 and 5

**Form 1.**

**Notice of consent to surrender (International Criminal Court Act 2001, section 7).**

- (a) Whereas on the        day of        20    , I was arrested in pursuance of a warrant under section 2 of the International Criminal Court Act 2001 with a view to a delivery order being made providing for me to be delivered up into the custody of the International Criminal Court.  
or
- (b) Whereas on the        day of        20    , I was convicted by the International Criminal Court and on the        day of        20    , I was arrested in pursuance of a warrant under section 2 of the International Criminal Court Act 2001 with a view to a delivery order being made providing for me to be delivered up into the custody of [the International Criminal Court] [the state of enforcement (*insert name of the state of enforcement*)].

And whereas I understand that, unless I consent to my delivery, I shall have the right:

- (a) to make representations at delivery proceedings as to the matters of which the competent court is to be satisfied before making a delivery order, and
- (b) to make an application to the competent court at the time of the delivery proceedings for the determination of whether I was lawfully arrested in pursuance of the warrant and whether my rights have been respected, and
- (c) if a delivery order is made, to seek a review of the delivery order, and
- (d) to make an application for habeas corpus, and
- (e) not to have the delivery order executed against me until after the end of the period of 15 days beginning with the date on which the order is made, or (if later), while any habeas corpus proceedings are still pending.

I therefore give notice of my consent to surrender to be delivered up into the custody of the International Criminal Court or into the custody of the state of enforcement (*insert name of the state of enforcement*), whichever is appropriate. I understand that by consenting to my surrender I waive my right to seek a review of the delivery order under section 12 of the International Criminal Court Act 2001 and I consent to the Secretary of State giving directions for the execution of the delivery order before the period of 15 days has expired.

(Signed by the person to be delivered)  
Print name and sign

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or where it is inappropriate to act for themselves under section 7(2)(b) of the International Criminal Court Act 2001.

(Signed on their behalf)  
Print name and sign

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This notification was signed by the above-mentioned person in my presence on the        day of        20    .  
(Justice of the Peace for        )

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**Form 2.**

**Notice of waiver of the right to review (International Criminal Court Act 2001, section 13).**

- (a) Whereas on the            day of            20    , a competent court made a delivery order providing for me to be delivered up into the custody of the International Criminal Court.  
or
- (b) Whereas on the            day of            20    , a competent court made a delivery order providing for me to be delivered up into the custody of the state of enforcement (*insert name of the state of enforcement*).

And whereas I understand that, unless I waive my right to seek a review of the delivery order I have the right:

- (a) for the delivery order to be reviewed, and
- (b) to make an application for habeas corpus, and
- (c) not to have the delivery order executed against me until after the end of the period of 15 days beginning with the date on which the order is made, or (if later), while any habeas corpus proceedings are still pending.

I therefore give notice that I waive my right to seek a review of the delivery order and I consent to the Secretary of State giving directions for the execution of the delivery order before the period of 15 days has expired.

(Signed by the person to be delivered)  
(Print and sign name)

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or where it is inappropriate to act for themselves under section 13(2)(b) of the International Criminal Court Act 2001.

(Signed on their behalf)  
(Print and sign name)

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This notification was signed by the above-mentioned person in my presence on the    day of    20    .  
(Justice of the Peace for            )

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules prescribe forms in relation to delivery proceedings under the International Criminal Court Act 2001. Rule 4 prescribes the form in which consent to surrender is to be given under section 7 of the 2001 Act and rule 5 prescribes the form in which waiver of the right to review is to be made under section 13 of the 2001 Act. These forms are respectively Forms 1 and 2 set out in the Schedule to the Rules.

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