



# International Criminal Court Act 2001

## 2001 CHAPTER 17

### PART 4

#### ENFORCEMENT OF SENTENCES AND ORDERS

##### *Sentences of imprisonment*

#### **42 Detention in the United Kingdom in pursuance of ICC sentence**

- (1) This section applies where—
  - (a) the United Kingdom is designated by the ICC as the state in which a person (“the prisoner”) is to serve a sentence of imprisonment imposed by the ICC, and
  - (b) the Secretary of State informs the ICC that the designation is accepted.
- (2) Where the Secretary of State is minded that the prisoner should be detained in Scotland—
  - (a) he shall consult the Scottish Ministers, and
  - (b) if the Scottish Ministers agree that the prisoner should be detained in Scotland, they shall issue a warrant authorising the bringing of the prisoner to Scotland.
- (3) Where subsection (2) does not apply or the Scottish Ministers do not agree, the Secretary of State shall issue a warrant authorising—
  - (a) the bringing of the prisoner to England and Wales or Northern Ireland,
  - (b) the detention of the prisoner there in accordance with the sentence of the ICC, and
  - (c) the taking of the prisoner to a specified place where he is to be detained.

The provisions of the warrant may be varied by the Secretary of State, and shall be so varied to give effect to any variation of the ICC’s sentence.

- (4) A prisoner subject to a warrant authorising his detention in England and Wales or Northern Ireland shall be treated for all purposes, subject to subsection (5) and Schedule 7, as if he were subject to a sentence of imprisonment imposed in exercise

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*Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 42. (See end of Document for details)*

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of its criminal jurisdiction by a court in the part of the United Kingdom in which he is to be detained.

- (5) The following enactments do not apply to a person detained in pursuance of a sentence of the ICC—
- (a) the Repatriation of Prisoners Act 1984 (c. 47),
  - (b) Schedule 1 to the Crime (Sentences) Act 1997 (c. 43) (transfer of prisoners within the British Islands).

As to transfer of such a person within the United Kingdom, see sections 44 and 45 below.

- (6) Schedule 7 excludes the operation of certain statutory provisions in relation to a person detained in England and Wales or Northern Ireland in pursuance of a sentence of the ICC.

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

- C1** S. 42 applied (with modifications) (E.W.) (15.8.2007) by [The International Tribunals \(Sierra Leone\) \(Application of Provisions\) Order 2007 \(S.I. 2007/2140\)](#), **art. 2**
- C2** Ss. 42-48 applied (with modifications) (8.3.2018) by [The United Nations \(International Residual Mechanism for Criminal Tribunals\) Order 2018 \(S.I. 2018/187\)](#), arts. 1(1), **33(3)** (with art. 3)
- C3** S. 42(5) extended (IoM) (1.4.2004) by [S.I. 2004/714](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 42.