



International Criminal Court Act 2001

2001 CHAPTER 17

PART 4

ENFORCEMENT OF SENTENCES AND ORDERS

Sentences of imprisonment

43 Temporary return or transfer of custody to another state

- (1) This section applies where the Secretary of State receives a request from the ICC—
 - (a) for the temporary return of the prisoner to the custody of the ICC for the purposes of any proceedings, or
 - (b) for the transfer of the prisoner to the custody of another state in pursuance of a change in designation of state of enforcement.
- (2) If the prisoner is detained in Scotland, the Secretary of State shall transmit the request to the Scottish Ministers.
- (3) The relevant Minister shall—
 - (a) issue a warrant authorising the prisoner's temporary return or transfer in accordance with the request,
 - (b) make the necessary arrangements with the ICC or, as the case may be, the other state, and
 - (c) give such directions as to the custody, surrender and (where appropriate) return of the prisoner as appear to him appropriate to give effect to the arrangements.
- (4) Where the prisoner is temporarily returned to the custody of the ICC, the warrant authorising his detention in any part of the United Kingdom shall continue to have effect so as to apply to him again on his return.
- (5) In this section "the relevant Minister" means—
 - (a) in relation to a person detained in England and Wales or Northern Ireland, the Secretary of State, and

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 43. (See end of Document for details)

(b) in relation to a person detained in Scotland, the Scottish Ministers.

Modifications etc. (not altering text)

- C1** S. 43 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)

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