



International Criminal Court Act 2001

2001 CHAPTER 17

PART 4

ENFORCEMENT OF SENTENCES AND ORDERS

Sentences of imprisonment

45 Transfer to another part of the United Kingdom: transfer for temporary purposes

- (1) This section applies where it appears to the relevant Minister—
 - (a) that the prisoner should be transferred to another part of the United Kingdom for the purpose of attending criminal proceedings against him there, or
 - (b) that the attendance of the prisoner at a place in another part of the United Kingdom is desirable in the interests of justice, or for the purposes of any public inquiry.
- (2) The relevant Minister may make an order for the transfer of the prisoner to that part of the United Kingdom.
- (3) No such order shall be made—
 - (a) for the transfer of the prisoner to Scotland without the agreement of the Scottish Ministers, or
 - (b) for the transfer of the prisoner from Scotland without the agreement of the Secretary of State.
- (4) An order under this section shall be subject to such conditions (if any) as the relevant Minister thinks fit to impose.

Any such conditions may be varied or removed at any time.
- (5) Where an order is made under this section—
 - (a) the warrant authorising the prisoner's detention in the part of the United Kingdom from which he is transferred shall continue to have effect, and

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 45. (See end of Document for details)

- (b) he shall be returned to that part of the United Kingdom when the purposes for which the order is made are fulfilled.
- (6) 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
- (b) in relation to a person detained in Scotland, the Scottish Ministers.

Modifications etc. (not altering text)

- C1** S. 45 extended (with modifications) (IoM) (1.4.2004) by [S.I. 2004/714](#), **art. 2(c)**, (Sch.)
- C2** S. 45 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**
- C3** S. 45 extended (Jersey) (with modifications) (8.10.2014 coming into force in accordance with art. 1) by [The International Criminal Court Act 2001 \(Jersey\) Order 2014 \(S.I. 2014/2706\)](#), arts. 1, 2(b), **Sch.**
- C4** 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)
- C5** S. 45 extended (with modifications) (Guernsey) (coming into force in accordance with art. 1 of the amending S.I.) by [The International Criminal Court Act 2001 \(Guernsey\) Order 2022 \(S.I. 2022/865\)](#), art. 2(1)(b), **Sch.**

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