



# International Criminal Court Act 2001

## 2001 CHAPTER 17

### PART 2

#### ARREST AND DELIVERY OF PERSONS

##### *Proceedings on request*

#### **5 Proceedings for delivery order**

- (1) A person arrested under a section 2 warrant shall be brought before a competent court as soon as is practicable.
- (2) If the competent court is satisfied—
  - (a) that the warrant—
    - (i) is a warrant of the ICC and has been duly endorsed under section 2(3),  
or
    - (ii) has been duly issued under section 2(4), and
  - (b) that the person brought before the court is the person named or described in the warrant,it shall make a delivery order.
- (3) A “delivery order” is an order that the person be delivered up—
  - (a) into the custody of the ICC, or
  - (b) if the ICC so directs in the case of a person convicted by the ICC, into the custody of the state of enforcement,in accordance with arrangements made by the Secretary of State.
- (4) In the case of a person alleged to have committed an ICC crime, the competent court may adjourn the proceedings pending the outcome of any challenge before the ICC to the admissibility of the case or to the jurisdiction of the ICC.
- (5) In deciding whether to make a delivery order the court is not concerned to enquire—
  - (a) whether any warrant issued by the ICC was duly issued, or

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*Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 5. (See end of Document for details)*

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- (b) in the case of a person alleged to have committed an ICC crime, whether there is evidence to justify his trial for the offence he is alleged to have committed.
- (6) Whether or not it makes a delivery order, the competent court may of its own motion, and shall on the application of the person arrested, determine—
  - (a) whether the person was lawfully arrested in pursuance of the warrant, and
  - (b) whether his rights have been respected.
- (7) In making a determination under subsection (6) the court shall apply the principles which would be applied on an application for judicial review.
- (8) If the court determines—
  - (a) that the person has not been lawfully arrested in pursuance of the warrant, or
  - (b) that the person's rights have not been respected,it shall make a declaration or declarator to that effect, but may not grant any other relief.
- (9) The court shall notify the Secretary of State (and, where the proceedings are in Scotland, the Scottish Ministers) of any declaration or declarator under subsection (8) and the Secretary of State shall transmit that notification to the ICC.

**Changes to legislation:**

There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 5.