



International Criminal Court Act 2001

2001 CHAPTER 17

PART 2

ARREST AND DELIVERY OF PERSONS

Proceedings where court refuses delivery order

9 Appeal against refusal of delivery order: England and Wales

- (1) If a competent court in England and Wales refuses to make a delivery order, the Secretary of State may appeal against the decision to the High Court.

No permission is required for such an appeal, which shall be by way of re-hearing.

- (2) If the High Court allows the appeal it may—
- (a) make a delivery order, or
 - (b) remit the case to the competent court to make a delivery order in accordance with the decision of the High Court.

- (3) If the High Court dismisses the appeal, the Secretary of State may, with the permission of the High Court or the [F¹Supreme Court], appeal to the [F¹Supreme Court].

In relation to a decision of the High Court on an appeal under this section, section 1 of the Administration of Justice Act 1960 (c. 65) (appeals to the [F¹Supreme Court]) applies with the omission of so much of subsection (2) of that section as restricts the grant of leave to appeal.

- (4) The [F¹Supreme Court] may exercise any of the powers conferred on the High Court by subsection (2) above.
- (5) Where a delivery order is made by the High Court or the [F¹Supreme Court], the provisions of section 11(1)(a) and (c), (2) and (3) (procedure where court makes delivery order) apply in relation to that court as they apply to a competent court in England and Wales which makes a delivery order.

Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Section 9. (See end of Document for details)

- (6) An order for the remand of the arrested person which continues in force under section 8(2) shall cease to have effect if the High Court dismisses the appeal and the Secretary of State does not without delay—
- (a) apply for permission to appeal to the [^{F1}Supreme Court], or
 - (b) inform the High Court that he intends to apply for such permission.

Subject to that, any such order shall have effect so long as the case is pending.

For this purpose a case is pending (unless proceedings are discontinued) until (disregarding any power of a court to allow a step to be taken out of time) there is no step that the Secretary of State can take.

Textual Amendments

- F1** Words in s. 9 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 75](#); [S.I. 2009/1604](#), art. 2(d)

Changes to legislation:

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