
STATUTORY INSTRUMENTS

2004 No. 714

INTERNATIONAL CRIMINAL COURT

**The International Criminal Court
Act 2001 (Isle of Man) Order 2004**

Made - - - - *10th March 2004*
Coming into force - - *1st April 2004*

At the Court at Buckingham Palace, the 10th day of March 2004

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 79(3) of the International Criminal Court Act 2001(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the International Criminal Court Act 2001 (Isle of Man) Order 2004 and shall come into force on 1st April 2004.

2. The following provisions of the International Criminal Court Act 2001 shall extend to the Isle of Man —

- (a) section 23(5) (extension of powers under United Nations Act 1946(2));
- (b) section 42(5) (disapplication of certain provisions to person detained in pursuance of ICC sentence);
- (c) sections 44 and 45 (transfer of prisoner);
- (d) section 70 (amendment of Geneva Conventions Act 1957)(3); and
- (e) section 83 and Schedule 10 (repeals), so far as they relate to the Geneva Conventions Act 1957, the Genocide Act 1969(4) and the Geneva Conventions (Amendment) Act 1995(5);

subject, in the case of sections 44, 45 and 70, to the modifications set out in the Schedule to this Order.

(1) 2001 c. 17.
(2) 1946 c. 45.
(3) 1957 c. 52, which was extended to the Isle of Man, with modifications, by S.I.1970/1677.
(4) 1969 c. 12. Section 1(6) and (7) was extended to the Isle of Man by S.I. 1974/1113.
(5) 1995 c. 27, which was extended to the Isle of Man, with modifications, by S.I. 1999/1743.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 2

MODIFICATIONS OF CERTAIN PROVISIONS OF THE
2001 ACT IN THEIR EXTENSION TO THE ISLE OF MAN

1. In section 44 (Transfer to another part of the United Kingdom: transfer of ICC sentence)—
 - (a) in subsections (1) and (3), for the words “relevant Minister” substitute “Secretary of State”;
 - (b) in subsection (1), for the words “to another part of the United Kingdom” substitute “from the Isle of Man to any part of the United Kingdom”;
 - (c) for subsection (2) substitute —

“(2) No such order shall be made without the agreement of the Department of Home Affairs; and no such order shall be made for the transfer of the prisoner to Scotland without the agreement of the Scottish Ministers.”; and
 - (d) omit subsections (4), (5) and (6).
2. In section 45 (Transfer to another part of the United Kingdom: transfer for temporary purposes) —
 - (a) in subsections (1), (2) and (4), for the words “relevant Minister” substitute “Secretary of State”;
 - (b) in subsection (1)(a) and (b), for the words “another” substitute “any”;
 - (c) for subsection (3) substitute —

“(3) No such order shall be made without the agreement of the Department of Home Affairs; and no such order shall be made for the transfer of the prisoner to Scotland without the agreement of the Scottish Ministers.”; and
 - (d) omit subsections (5) and (6).
3. In section 70 (Offences under section 1 of the Geneva Conventions Act 1957)—
 - (a) In subsection (1)(a), for the word “indictment” substitute “information”;
 - (b) In subsection (2), in the inserted section 1A (Trial and punishment of offences under s. 1)—
 - (i) in subsection (2), for the word “indictment” substitute “information”;
 - (ii) in subsection (3), for paragraphs (a) and (b) substitute “except by or with the consent of Her Majesty’s Attorney General for the Isle of Man”;
 - (iii) omit subsection (4);
 - (iv) in subsection (5), for the words “the part of the United Kingdom in which the proceedings are brought” substitute “the Isle of Man”; and
 - (v) in subsection (6), for the word “imprisonment” substitute “custody”; and
 - (c) In subsection (3), for the words “commencement of this section” substitute “extension of this section to the Isle of Man”.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Isle of Man specified provisions of the International Criminal Court Act 2001 (ICCA) subject to the modifications set out in the Schedule.

In particular, section 23(5) of the Act enables United Nations Security Council (UNSC) resolutions which might, depending upon their wording, override any immunities attaching to representatives of all States, including non-Parties, to be implemented in the Isle of Man, where the UNSC refers a situation to the International Criminal Court (ICC) for investigation and prosecution. Section 42(5) disapplies the provisions of the Repatriation of Prisoners Act 1984 to ICC prisoners and Schedule 1 to the Crime (Sentences) Act 1997. Section 44 enables the transfer of prisoners between the UK and the Isle of Man to serve the remainder of an International Criminal Court sentence. Section 45 provides for the temporary transfer of a prisoner in custody between UK jurisdictions and the Isle of Man for the purpose, for example, of attending criminal proceedings against him. Section 70 makes various amendments to the Geneva Conventions Act 1957 to ensure that provisions governing the prosecution of grave breaches of the Geneva Conventions under that Act are consistent with those governing the prosecution of offences under the ICCA.