
STATUTORY INSTRUMENTS

2018 No. 187

The United Nations (International Residual
Mechanism for Criminal Tribunals) Order 2018

PART 5

SUPPLEMENTARY PROVISIONS

Proceedings before a competent court under article 6, 9 or 10

29.—(1) For the purposes of proceedings under article 6, 9 or 10, a competent court in England and Wales has the like powers, including power to adjourn the case and meanwhile to remand the person arrested, as if the proceedings were the summary trial of an information against that person; and—

- (a) section 16(1)(c) of the Prosecution of Offences Act 1985(1) (defence costs on dismissal) applies, reading the reference to the dismissal of the information as a reference to the discharge of the person arrested; and
- (b) sections 13 to 20 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(2) apply as if the proceedings were proceedings for dealing with an individual under the Extradition Act 2003.

(2) For the purposes of proceedings under article 6, 9 or 10, a competent court in Scotland has the like powers, including power to adjourn the case and meanwhile to remand the person arrested in custody or grant the person bail, as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by that person; and the provisions of the Legal Aid (Scotland) Act 1986(3) relating to such proceedings or any appellate proceedings following on them apply to that person.

(1) 1985 c. 23. There are amendments to section 16, but none relevant to this Order.

(2) 2012 c.10. There are amendments, but none relevant to this Order.

(3) 1986 c. 47, as amended by the Legal Profession and Legal Aid (Scotland) Act 2007 (asp 5), sections 64, 65, 77 and 82, and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), sections 5, 7 and Schedule 4 paragraph 63.