



Jersey

INTERNATIONAL CRIMINAL COURT ACT 2001 (JERSEY) ORDER 2014

Unofficial extended UK law

17.519

Showing the law as at 1 January 2019

APPENDIX



Jersey

INTERNATIONAL CRIMINAL COURT ACT 2001 (JERSEY) ORDER 2014

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Jersey

L.39/2014

INTERNATIONAL CRIMINAL COURT ACT 2001 (JERSEY) ORDER 2014

*Made by Her Majesty in Council**8th October 2014**Registered by the Royal Court**7th November 2014**In force**in accordance with Article 1*

HER MAJESTY, in exercise of the powers conferred upon Her by section 79(3) of the International Criminal Court Act 2001, is pleased, by and with the advice of Her Privy Council, to make the following Order:

1

This Order may be cited as the International Criminal Court Act 2001 (Jersey) Order 2014 and shall come into force on the same day as the International Criminal Court (Jersey) Law 2014¹ comes into force.

2

The following provisions of the International Criminal Court Act 2001 shall extend to the Bailiwick of Jersey –

- (a) section 23(5) (extension of powers under United Nations Act 1946);
- (b) sections 44 and 45 (transfer of prisoner);
- (c) section 70 (amendment of Geneva Conventions Act 1957); and
- (d) section 83 and Schedule 10 (repeals), so far as they relate to the Geneva Conventions Act 1957, the Genocide Act 1969 and the Geneva Conventions (Amendment) Act 1995;

subject to the modifications set out in the Schedule to this Order.

RICHARD TILBROOK

Clerk of the Privy Council

SCHEDULE

(Article 2)

MODIFICATIONS OF CERTAIN PROVISIONS OF THE 2001 ACT IN THEIR EXTENSION TO THE BAILIWICK OF JERSEY

1

In section 44 (Transfer to another part of the United Kingdom: transfer of ICC sentence) –

- (a) in the heading omit the words “another part of”;
- (b) in subsections (1) and (3), for the words “relevant Minister” substitute “Secretary of State”;
- (c) in subsection (1), for the words “to another part of the United Kingdom” substitute “from Jersey to any part of the United Kingdom”;
- (d) for subsection (2) substitute –
“**(2)** No such order shall be made without the agreement of the Minister for 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
- (e) omit subsections (4), (5) and (6).

2

In section 45 (Transfer to another part of the United Kingdom: transfer for temporary purposes) –

- (a) in the heading omit the words “another part of”;
- (b) in subsections (1), (2) and (4), for the words “relevant Minister” substitute “Secretary of State”;
- (c) in subsection (1)(a) and (b), for the words “another” substitute “any”;
- (d) for subsection (3) substitute –
“**(3)** No such order shall be made without the agreement of the Minister for 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
- (e) omit subsections (5) and (6).

3

In section 70 (Offences under section 1 of the Geneva Conventions Act 1957) –

- (a) in subsection (1)(a), omit the words “on indictment”;
- (b) in subsection (2), in the inserted section 1A (Trial and punishment of offences under s.1) –

- (i) in subsection (2), for the words “is triable only on indictment” substitute “shall be tried before the Royal Court”;
 - (ii) in subsection (3), omit “—” and substitute “except by or with the consent of Her Majesty’s Attorney General for Jersey” and omit paragraphs (a) and (b);
 - (iii) omit subsection (4); and
 - (iv) in subsection (5), for the words “the part of the United Kingdom in which the proceedings are brought” substitute “Jersey”; and
- (c) in subsection (3), for the words “commencement of this section” substitute “extension of this section to Jersey”.

4

In Schedule 10, in paragraph (a) of the second column omit the words “on indictment”.

INTERNATIONAL CRIMINAL COURT ACT 2001

(2001 c.17)

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ELIZABETH II**INTERNATIONAL CRIMINAL COURT ACT 2001****2001 CHAPTER 17**

AN ACT to give effect to the Statute of the International Criminal Court; to provide for offences under the law of England and Wales and Northern Ireland corresponding to offences within the jurisdiction of that Court; and for connected purposes.

[11th May 2001]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows² –

PART 1

* * * * *

PART 2**ARREST AND DELIVERY OF PERSONS***Proceedings on request*

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*Supplementary provisions***23 Provisions as to state or diplomatic immunity**

- | | | | | | | | |
|-----|---|---|---|---|---|---|---|
| (1) | * | * | * | * | * | * | * |
| (2) | * | * | * | * | * | * | * |
| (3) | * | * | * | * | * | * | * |
| (4) | * | * | * | * | * | * | * |
| (5) | <p>The power conferred by section 1 of the United Nations Act 1946 (c.45) (power to give effect by Order in Council to measures not involving the use of armed force) includes power to make in relation to any proceedings such provision corresponding to the provision made by this section in relation to the proceedings, but with the omission –</p> <p>(a) in subsection (1), of the words “by reason of a connection with a state party to the ICC Statute”, and</p> <p>(b) of subsections (2) and (3),</p> <p>as appears to Her Majesty to be necessary or expedient in consequence of such a referral as is mentioned in article 13(b) (referral by the United Nations Security Council).</p> | | | | | | |
| (6) | * | * | * | * | * | * | * |

24–26 * * * * *

PART 3

* * * * *

PART 4**ENFORCEMENT OF SENTENCES AND ORDERS***Sentences of imprisonment*

42–43 * * * * *

44 Transfer to * * * the United Kingdom: transfer of ICC sentence

- (1) The [Secretary of State] may make an order for the transfer of the prisoner [from Jersey to any part of the United Kingdom] to serve the whole or part of the remainder of the ICC sentence there.
- [(2) No such order shall be made without the agreement of the Minister for Home Affairs; and no such order shall be made for the transfer of the prisoner to Scotland without the agreement of the Scottish Ministers.]
- (3) An order under this section shall be subject to such conditions (if any) as the [Secretary of State] may impose from time to time.
- (4) * * * * *
- (5) * * * * *
- (6) * * * * *

45 Transfer to * * * the United Kingdom: transfer for temporary purposes

- (1) This section applies where it appears to the [Secretary of State] –
 - (a) that the prisoner should be transferred to [any] 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 [any] part of the United Kingdom is desirable in the interests of justice, or for the purposes of any public inquiry.
- (2) The [Secretary of State] may make an order for the transfer of the prisoner to that part of the United Kingdom.
- [(3) No such order shall be made without the agreement of the Minister for Home Affairs; and no such order shall be made for the transfer of the prisoner to Scotland without the agreement of the Scottish Ministers.]
- (4) An order under this section shall be subject to such conditions (if any) as the [Secretary of State] thinks fit to impose.
Any such conditions may be varied or removed at any time.
- (5) * * * * *
- (6) * * * * *

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70 Offences under section 1 of the Geneva Conventions Act 1957

- (1) In section 1 of the Geneva Conventions Act 1957 (c.52) (punishment of grave breaches of the conventions) –
 - (a) in subsection (1), omit the words from “and on conviction * * *” to the end; and
 - (b) omit subsections (3) to (5).
- (2) After that section insert –

“1A Trial and punishment of offences under s.1

- (1) The following provisions apply in relation to offences under section 1 of this Act.
- (2) The offence [shall be tried before the Royal Court].

- (3) Proceedings for an offence shall not be instituted [except by or with the consent of Her Majesty's Attorney General for Jersey].
- (4) * * * * *
- (5) A person convicted of an offence involving murder shall be dealt with as for an offence of murder.
- In this subsection "murder" means the killing of a person in such circumstances as would constitute murder if committed in [Jersey].
- (6) In any other case a person convicted of an offence is liable to imprisonment for a term not exceeding 30 years."
- (3) The above amendments do not apply in relation to offences committed before the [extension of this section to Jersey].

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PART 6

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83 Repeals

The enactments mentioned in Schedule 10 are repealed to the extent specified.

84 * * * * *

SCHEDULES**SCHEDULES 1 TO 9**

* * * * *

SCHEDULE 10

(Section 83)

REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
* * * *	* * * *
* * * *	* * * *
The Geneva Conventions Act 1957 (c.52)	In section 1 – (a) in subsection (1) the words from “and on conviction * * *” to the end; (b) subsections (3) to (5). In section 7(1), the definition of “court”.
* * * *	* * * *
The Genocide Act 1969 (c.12)	The whole Act.
The Geneva Conventions (Amendment) Act 1995 (c.27)	Section 1(4) and (5).

¹

L.31/2014

²

Deletions and words in square brackets indicate adaptations and modifications made by The International Criminal Court Act 2001 (Jersey) Order 2014