STATUTORY INSTRUMENTS

2014 No. 2706

INTERNATIONAL CRIMINAL COURT

The International Criminal Court Act 2001 (Jersey) Order 2014

Made - - - - 8th October 2014

Coming into force in accordance with Article 1

At the Court at Buckingham Palace, the 8th day of October 2014

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 79(3) of the International Criminal Court Act 2001(**a**), 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 2014 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**));

(b) sections 44 and 45 (transfer of prisoner);

(c) section 70 (amendment of Geneva Conventions Act 1957(**c**)); and

(d) section 83 and Schedule 10 (repeals)(**d**), so far as they relate to the Geneva Conventions Act 1957, the Genocide Act 1969(**e**) and the Geneva Conventions (Amendment) Act 1995(**f**);

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

Richard Tilbrook
Clerk of the Privy Council

(**a**) 2001 c. 17
(**b**) 1946 c. 45
(**c**) 1957 c. 52
(**d**) Entries in Schedule 10 to "The Army Act 1955" and "The Air Force Act 1995 (omitted) were repealed by section 378(2) of and Schedule 17 to the Armed Forces Act 2006 (c. 52). Entries relating to "The Naval Discipline Act 1957" (omitted) were repealed by section 378(2) of and Schedule 17 to the Armed Forces Act 2006.
(**e**) 1969 c. 12
(**f**) 1995 c. 27

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".

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends to the Bailiwick of Jersey specified provisions of the International Criminal Court Act 2001 (c.17) ("the 2001 Act") subject to the modifications set out in the Schedule.

In particular, section 23(5) of the 2001 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 Jersey, where the UNSC refers a situation to the International Criminal Court (ICC) for investigation and prosecution. Section 44 of the 2001 Act enables the transfer of prisoners between the United Kingdom and Jersey to serve the remainder of an International Criminal Court sentence. Section 45 of the 2001 Act provides for the temporary transfer of a prisoner in custody between United Kingdom jurisdictions and the Jersey for the purpose, for example, of attending criminal proceedings against him or her. Section 70 of the 2001 Act 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 2001 Act.

© Crown copyright 2014

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK2014100932 10/2014 19585

http://www.legislation.gov.uk/id/uksi/2014/2706

ISBN 978-0-11-112144-3

9 780111 121443