



Statutory Document No. 105/04

THE SUMMARY JURISDICTION ACT 1989

**THE SUMMARY JURISDICTION (INTERNATIONAL CRIMINAL COURT)
(FORMS) RULES 2004**

Coming into operation

1st April 2004

In exercise of the powers conferred on the Clerk of the Rolls by section 91 of the Summary Jurisdiction Act 1989¹, and of all other enabling powers, the following Rules are hereby made:—

1. Citation, commencement and interpretation

(1) These Rules may be cited as the Summary Jurisdiction (International Criminal Court) (Forms) Rules 2004 and shall come into operation on the 1st April 2004.

(2) In these Rules "the Act" means the International Criminal Court Act 2003².

2. Prescribed forms

(1) Consent to surrender given under section 6 of the Act (consent to surrender) shall be in writing in form 1 in the Schedule.

(2) Waiver given under section 11 of the Act (waiver of the right to review) shall be in writing in form 2 in the Schedule.

¹ 1989 c.15

² 2003 c.9

Price 40p

Rule 2.

SCHEDULE

FORMS

Form 1

*Notice of consent to surrender
(International Criminal Court Act 2003 section 6)*

[Whereas on the *[date]* I was arrested in pursuance of a warrant under section 2 of the International Criminal Court Act 2003 with a view to a delivery order being made providing for me to be delivered up into the custody of the International Criminal Court] *or*

[Whereas on the *[date]* I was convicted by the International Criminal Court and on the *[date]* I was arrested in pursuance of a warrant under section 2 of the International Criminal Court Act 2003 with a view to a delivery order being made providing for me to be delivered up into the custody of [the International Criminal Court] [the state of enforcement *[name of state of enforcement]*]]

And whereas I understand that, unless I consent to my delivery, I shall have the right —

- (a) to make representations at delivery proceedings as to the matters of which the High Bailiff is to be satisfied before making a delivery order, and
- (b) to make an application to the High Bailiff at the time of the delivery proceedings for the determination of whether I was lawfully arrested in pursuance of the warrant and whether my rights have been respected, and
- (c) if a delivery order is made, to seek a review of the delivery order, and
- (d) not to have the delivery order executed against me until after the end of the period of 15 days beginning with the date on which the order is made.

I therefore give notice of my consent to surrender to be delivered up into the custody of [the International Criminal Court] *or* [the state of enforcement *[name of state of enforcement]*].

I understand that by consenting to my surrender I waive my right to seek a review of the delivery order under section 10 of the International Criminal Court Act 2003 and I consent to the Department of Home Affairs giving directions for the execution of the delivery order before the period of 15 days has expired.

[Signed by the person to be delivered]

Print name and sign

or where it is inappropriate for the person to act for himself under section 7(2)(b) of the International Criminal Court Act 2003:

[Signed on behalf of the person to be delivered]

Print name and sign

This notification was signed by the above-mentioned person in my presence on the *[date]* .

Justice of the Peace

Form 2

*Notice of waiver of the right to review
(International Criminal Court Act 2003, section 11).*

[Whereas on the *[date]* the High Bailiff made a delivery order providing for me to be delivered up into the custody of the International Criminal Court.] *or*

[Whereas on the *[date]* the High Bailiff made a delivery order providing for me to be delivered up into the custody of the state of enforcement *[name of state of enforcement]*

And whereas I understand that, unless I waive my right to seek a review of the delivery order I have the right —

- (a) for the delivery order to be reviewed, and
- (b) not to have the delivery order executed against me until after the end of the period of 15 days beginning with the date on which the order is made.

I therefore give notice that I waive my right to seek a review of the delivery order and I consent to the Department of Home Affairs giving directions for the execution of the delivery order before the period of 15 days has expired.

[Signed by the person to be delivered]

Print name and sign

or where it is inappropriate for the person to act for himself under section 7(2)(b) of the International Criminal Court Act 2003:

[Signed on behalf of the person to be delivered]

Print name and sign

This notification was signed by the above-mentioned person in my presence on the *[date]* .

Justice of the Peace

MADE 4th February 2004

J. M. Kerruish

Her Majesty's First Deemster and Clerk of the Rolls

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules prescribe forms in relation to delivery proceedings under the International Criminal Court Act 2003. Rule 2 prescribes the forms in which consent to surrender is to be given under section 6 of the Act and waiver of the right to review is to be made under section 11 of the Act (Forms 1 and 2 respectively in the Schedule).

