



International Criminal Court Regulations 2008

Select Legislative Instrument No. 7, 2008

made under the

International Criminal Court Act 2002

Compilation No. 1

Compilation date: 22 November 2018

Includes amendments up to: F2018L01408

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Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *International Criminal Court Regulations 2008* that shows the text of the law as amended and in force on 22 November 2018 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name of Regulations

These Regulations are the *International Criminal Court Regulations 2008*.

3 Definition

In these Regulations:

Act means the *International Criminal Court Act 2002*.

4 Statutory forms

- (1) A form mentioned in column 1 of the following table is the statutory form for the provision of the Act mentioned in column 2 and a purpose mentioned in column 3.

Form	Provision of Act	Purpose
1	subsection 20(1)	Notice of receipt of request for arrest and surrender
2	subsection 20(3)	Warrant for arrest
3	subsection 20(3)	Application for arrest warrant
4	subsection 21(1)	Notice of receipt of request for provisional arrest
5	subsection 21(2)	Warrant for provisional arrest
6	subsection 21(2)	Application for provisional arrest warrant
7	subsection 25(1)	Notice to order release from remand
8	subsection 28(2)	Surrender warrant
9	subsection 151(2)	Notice authorising application for registration of order for reparation
10	subsection 152(2)	Notice authorising application for registration of order imposing a fine
11	subsection 155(2)	Notice authorising application for registration of forfeiture order

- (2) In these Regulations, a reference to a form by number is a reference to the form bearing that number in Schedule 1.

Schedule 1—Forms

(regulation 4)

Form 1—Notice of receipt of request for arrest and surrender

Commonwealth of Australia

International Criminal Court Act 2002

Notice under subsection 20(1) of receipt of request for arrest and surrender by the International Criminal Court

To a magistrate:

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 20(1) of the *International Criminal Court Act 2002* (the *Act*), state that I have:

- (a) received a request for the arrest and surrender of [*insert name of person*] from the International Criminal Court; and
- (b) signed a certificate under section 22 of the Act that it is appropriate for me to issue this notice.

Division 2 of Part 3 of the Act has been complied with in respect of the request.

A copy of [*the warrant of arrest**] [*and**] [*judgment of conviction**] issued by the International Criminal Court is attached to this notice.

Dated

Attorney-General

* *insert as the case requires*

Form 2—Warrant for arrest

Commonwealth of Australia

International Criminal Court Act 2002

Warrant for arrest under subsection 20(3)

To all police officers within the meaning of the *International Criminal Court Act 2002* (the *Act*):

Because:

- (a) the Attorney-General of the Commonwealth of Australia has given a notice under subsection 20(1) of the Act stating that a request has been received from the International Criminal Court for the arrest and surrender of [*insert name of person*]; and
- (b) an application has been made on behalf of the International Criminal Court under subsection 20(3) of the Act for issue of a warrant according to the notice;

I, [*insert name and designation of magistrate*], under subsection 20(3) of the Act, authorise you to arrest [*insert name of person*] and to bring [*him/her**], as soon as practicable, before a magistrate in the State or Territory in which [*he/she**] is arrested to be dealt with according to law.

Dated

.....
[*Signature and designation of magistrate issuing warrant*]

* *delete as the case requires*

Form 3—Application for arrest warrant

Commonwealth of Australia

International Criminal Court Act 2002

Application under subsection 20(3) for arrest warrant

To a magistrate:

I, [*insert name of applicant and the capacity in which application is made*], apply under subsection 20(3) of the *International Criminal Court Act 2002* (the *Act*) on behalf of the International Criminal Court for issue of a warrant, according to a notice under subsection 20(1) of the Act, for the arrest and surrender of [*insert name of person*].

Dated

.....
[*Signature of the applicant and the capacity in which application is made*]

Form 4—Notice of receipt of request for provisional arrest

Commonwealth of Australia

International Criminal Court Act 2002

Notice under subsection 21(1) of receipt of request for provisional arrest by the International Criminal Court

To a magistrate:

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 21(1) of the *International Criminal Court Act 2002* (the *Act*), state that I have:

- (a) received a request for the provisional arrest of [*insert name of person*] from the International Criminal Court; and
- (b) signed a certificate under section 22 of the Act that it is appropriate for me to issue this notice.

Division 2 of Part 3 of the Act has been complied with in respect of the request.

Dated

Attorney-General

Form 5—Warrant for provisional arrest

Commonwealth of Australia

International Criminal Court Act 2002

Warrant for provisional arrest under subsection 21(2)

To all police officers within the meaning of the *International Criminal Court Act 2002* (the *Act*):

Because:

- (a) the Attorney-General of the Commonwealth of Australia has given a notice under subsection 21(1) of the Act stating that a request has been received from the International Criminal Court for the provisional arrest of [*insert name of person*]; and
- (b) an application has been made on behalf of the International Criminal Court under subsection 21(2) of the Act for issue of a warrant according to the notice;

I, [*insert name and designation of magistrate*], under subsection 21(2) of the Act, authorise you to arrest [*insert name of person*] and to bring [*him/her**], as soon as practicable, before a magistrate in the State or Territory in which [*he/she**] is arrested to be dealt with according to law.

Dated

.....
[*Signature and designation of magistrate issuing warrant*]

* *delete as the case requires*

Form 6—Application for provisional arrest warrant

Commonwealth of Australia

International Criminal Court Act 2002

Application under subsection 21(2) for provisional arrest warrant

To a magistrate:

I, [*insert name of applicant and the capacity in which application is made*], apply under subsection 21(2) of the *International Criminal Court Act 2002* (the *Act*) on behalf of the International Criminal Court for issue of a warrant, according to a notice under subsection 21(1) of the Act, for the provisional arrest of [*insert name of person*].

Dated

.....
[Signature of the applicant and the capacity in which application is made]

Form 7—Notice to order release from remand

Commonwealth of Australia

International Criminal Court Act 2002

Notice under subsection 25(1) to order release from remand

To a magistrate:

*Because a request for surrender of [*insert name of person*] has not been received within 60 days after the day on which [*he/she*]* was provisionally arrested and [*he/she*]* does not consent to surrender;

*Because I consider that the remand of [*insert name of person*] should cease;

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 25(1) of the *International Criminal Court Act 2002*, direct you to order the [**release of (insert name of person) from custody/*discharge of the recognisances on which bail was granted to (insert name of person)*].

Dated

Attorney-General

* *delete as the case requires*

Form 8—Surrender warrant

Commonwealth of Australia

International Criminal Court Act 2002

Surrender warrant under subsection 28(2)

To the person in whose custody [*insert name of person*] is held

And to all police officers within the meaning of the *International Criminal Court Act 2002* (the *Act*)

And to [*insert name of officer of the International Criminal Court or other person authorised by the Court*], (the *escort*):

Having:

- (a)* reached agreement with the International Criminal Court on conditions for the issue of a temporary surrender warrant; and
- (b) received a request for surrender of [*insert name of person*]; and
- (c) signed a certificate under section 29 of the Act that it is appropriate to issue a warrant for [*his/her**] surrender;

I, _____, Attorney-General of the Commonwealth of Australia, under section 28 of the Act:

- (d) require the person in whose custody [*insert name of person in custody*] is held, to release [*him/her**] into the custody of a police officer; and
- (e) authorise the police officer to transport [*insert name of person*] in custody, and if necessary or convenient, to detain [*him/her**] in custody, for the purpose of enabling [*him/her**] to be placed in the custody of the escort and transported to the place specified by the International Criminal Court; and
- (f) authorise the escort to transport [*insert name of person*] in custody to [*insert the name of the place specified by the International Criminal Court*] for the purpose of surrendering [*him/her**] to a person appointed by the International Criminal Court to receive [*him/her**].

*This surrender warrant has a temporary operation in accordance with the conditions set out in the Schedule.

*This surrender warrant takes effect when [*insert name of person*] ceases to be liable to be detained in a prison because of a sentence of imprisonment imposed for a different offence against Australian law.

Dated

Attorney-General

* *delete as the case requires*

***Schedule**

[*Set out the conditions on which the temporary surrender warrant is issued*]

Form 9—Notice authorising application for registration of order for reparation

Commonwealth of Australia

International Criminal Court Act 2002

Authorisation under subsection 151(2) to apply for registration of an order for reparation

To the Commonwealth Director of Public Prosecutions:

Because:

- (a) the International Criminal Court has:
 - (i) made an order under article 75 of the Statute of the International Criminal Court requiring reparation by [*insert name of person*]; and
 - (ii) requested that the order be enforced as if article 109 of the Statute were applicable; and
- (b) neither the conviction in respect of which the order was made nor the order requiring reparation is subject to appeal or further appeal in the Court;

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 151(2) of the *International Criminal Court Act 2002*, authorise you, the Commonwealth Director of Public Prosecutions, to apply for the registration of the attached order in [*insert the name of the Federal Court or the Supreme Court of a specified State*].

Dated

Attorney-General

Form 10—Notice authorising application for registration of order imposing a fine

Commonwealth of Australia

International Criminal Court Act 2002

Authorisation under subsection 152(2) to apply for registration of an order imposing a fine

To the Commonwealth Director of Public Prosecutions:

Because:

- (a) the International Criminal Court has:
 - (i) ordered payment of a fine by [*insert name of person*] under paragraph 2(a) of article 77 of the Statute of the International Criminal Court; and
 - (ii) requested that the order be enforced according to article 109 of the Statute; and
- (b) neither the conviction in respect of which the order was made nor the order for payment of the fine is subject to appeal or further appeal in the Court;

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 152(2) of the *International Criminal Court Act 2002*, authorise you, the Commonwealth Director of Public Prosecutions, to apply for the registration of the attached order in [*insert name of the Federal Court or the Supreme Court of a specified State*].

Dated

Attorney-General

Form 11—Notice authorising application for registration of forfeiture order

Commonwealth of Australia

International Criminal Court Act 2002

Authorisation under subsection 155(2) to apply for registration of a forfeiture order

To [*insert proceeds of crime authority*]:

Because:

- (a) the International Criminal Court has requested me to make arrangements for the enforcement of a forfeiture order made in relation to property that is reasonably suspected of being in Australia; and
- (b) I am satisfied that:
 - (i) [*insert name of person*] has been convicted by the International Criminal Court of the crime within the jurisdiction of the Court to which the order relates; and
 - (ii) the conviction and the order are not subject to appeal or further appeal in the Court;

I, _____, Attorney-General of the Commonwealth of Australia, under subsection 155(2) of the *International Criminal Court Act 2002*, authorise you, [*insert proceeds of crime authority*], to apply for the registration of the attached order.

Dated

Attorney-General

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
International Criminal Court Regulations 2008 (SLI No. 7, 2008)	15 Feb 2008 (F2008L00247)	16 Feb 2008 (r 2)	
Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Regulations 2018	8 Oct 2018 (F2018L01408)	Sch 1 (item 1): 22 Nov 2018 (s 2(1) item 2)	—

Endnote 4—Amendment history

Provision affected	How affected
r 2	rep LA s 48D
Schedule 1	
Form 11	rs F2018L01408