

# STATES OF JERSEY



## **DRAFT INTERNATIONAL CRIMINAL COURT (ENFORCEMENT OF FINES, FORFEITURE AND REPARATION ORDERS) (JERSEY) REGULATIONS 201-**

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Lodged au Greffe on 22nd July 2016  
by the Chief Minister

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**STATES GREFFE**





Jersey

## **DRAFT INTERNATIONAL CRIMINAL COURT (ENFORCEMENT OF FINES, FORFEITURE AND REPARATION ORDERS) (JERSEY) REGULATIONS 201-**

### **REPORT**

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On 15th May 2014, the States adopted the [International Criminal Court \(Jersey\) Law 2014](#) (“the 2014 Law”) which was brought into force on 5th January 2015 by an Appointed Day Act (see [R&O.188/2014](#)), and was later amended by the [International Criminal Court \(Amendment\) \(Jersey\) Law 2016](#) (“the 2016 Law”), which came into force on 22nd April 2016.

The International Criminal Court (“ICC”) is an independent, permanent court that tries persons accused of the most serious crimes of international concern, namely – genocide, crimes against humanity and war crimes. The ICC is based on a treaty – the Rome Statute of the International Criminal Court (“the Rome Statute”) – adopted on 17th July 1998. It is intended to ask H.M. Government to extend its ratification of the Rome Statute to Jersey by Order in Council. Jersey will join 121 other countries that have ratified the Rome Statute.

Article 42 of the 2014 Law empowers the States to “*make provision by Regulations for the enforcement in Jersey of –*

- (a) *finances or forfeitures ordered by the ICC; and*
- (b) *orders by the ICC against convicted persons specifying reparations to, or in respect of, victims.”.*

Such Regulations may authorize the Minister for Home Affairs to appoint a person to act on behalf of the ICC for the purposes of enforcing an order; and to give any necessary directions in that regard. The Regulations must provide for registration of the order by the Royal Court as a precondition of enforcement. Registration enables the order to be enforced as though it were an order of the Royal Court. Among other things, such Regulations may provide that the reasonable costs of, and incidental to, registration and enforcement of an order, are recoverable as if they were sums recoverable under the order itself.

These draft Regulations invoke the powers under Article 42 of the 2014 Law with the effects detailed in the Law Draftsman’s Explanatory Note.

#### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

## Explanatory Note

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These Regulations are made under the International Criminal Court (Jersey) Law 2014. They make provision for the enforcement in Jersey of fines and forfeitures ordered by the International Criminal Court (“ICC”) and of orders by that court against convicted persons specifying reparations to, or in respect of, victims.

*Regulation 1* is an interpretation provision. It defines “Minister” as the Minister for Home Affairs and “order” as a fine or forfeiture ordered by the ICC or an order by the ICC against convicted persons specifying reparations to, or in respect of, victims.

*Regulation 2* enables the Minister to appoint a person (“appointed person”) to act on the ICC’s behalf for the purpose of enforcing an order.

*Regulation 3* enables the Minister to direct the appointed person to apply to the Royal Court for an order to be registered.

*Regulation 4* makes provision so that a registered order has the same effect as an order made by the Royal Court.

*Regulation 5* enables the Royal Court, on the application of an appointed person to vest in the appointed person any property to which an order relates. This Regulation also makes provision for the proceeds to be disposed of as the Minister directs and for the Minister to transmit the proceeds to the ICC.

*Regulation 6* makes provision for the recovery of costs relating to registration and enforcement of an order.

*Regulation 7* sets out the title of these Regulations and provides that they will come into force 7 days after the date on which they are made.



Jersey

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**Arrangement**

**Regulation**

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*Made* [date to be inserted]  
*Coming into force* [date to be inserted]

**THE STATES**, in pursuance of Articles 42 and 57 of the International Criminal Court (Jersey) Law 2014<sup>1</sup>, have made the following Regulations –

**1 Interpretation**

In these Regulations –

“Minister” means the Minister for Home Affairs;

“order” means any of the following –

- (a) a fine or forfeiture ordered by the ICC; or
- (b) an order by the ICC against convicted persons specifying reparations to, or in respect of, victims.

**2 Person appointed to act for ICC**

On receipt of an order, the Minister may –

- (a) appoint a person to act on behalf of the ICC for the purposes of enforcing the order; and
- (b) give such directions to the appointed person as appear to the Minister to be necessary.

**3 Registration of order**

- (1) If the Minister so directs, the person appointed under Regulation 2(a) shall apply to the Royal Court for registration of the order for enforcement.
- (2) Registration of the order by the Royal Court, subject to Article 42(4) and (5) of the International Criminal Court (Jersey) Law 2014<sup>2</sup>, is a precondition of enforcement.

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- (3) The registration of an order under this Regulation shall be cancelled if the order is satisfied by other means.

#### **4 Effect of registration**

For the purposes of enforcement of the order when registered –

- (a) it has the same force and effect;
- (b) the same powers are exercisable in relation to its enforcement; and
- (c) proceedings for enforcement may be taken in the same way, as if it had been made by the Royal Court.

#### **5 Disposal of property**

- (1) On the application of the person appointed under Regulation 2(a), the Royal Court may vest in that person any property to which the order relates, such property to be disposed of in such manner as the Minister may direct.
- (2) That person shall account to the Minister for the proceeds of disposal.
- (3) The Minister shall transmit the proceeds to the ICC.

#### **6 Recovery of costs**

The reasonable costs of, and incidental to, the registration and enforcement of the order shall be recoverable as if they were sums recoverable under the order.

#### **7 Citation and commencement**

These Regulations may be cited as the International Criminal Court (Enforcement of Fines, Forfeiture and Reparation Orders) (Jersey) Regulations 201- and shall come into force 7 days after the date on which they are made.



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- <sup>1</sup> *chapter 17.520*  
<sup>2</sup> *chapter 17.520*