



# Cultural Property (Armed Conflicts) Act 2017

## CHAPTER 6

### CULTURAL PROPERTY (ARMED CONFLICTS) ACT 2017

#### PART 1

##### KEY DEFINITIONS

- 1 “The Convention” and related expressions
- 2 “Cultural property”

#### PART 2

##### SERIOUS VIOLATION OF SECOND PROTOCOL

- 3 Offence of serious violation of Second Protocol
- 4 Ancillary offences
- 5 Responsibility of commanders and other superiors
- 6 Penalties
- 7 Consent to prosecutions

#### PART 3

##### CULTURAL EMBLEM

- 8 The cultural emblem
- 9 Offence of unauthorised use
- 10 Use authorised by appropriate national authority
- 11 Other authorised use: moveable property
- 12 Other authorised use: personnel
- 13 Defences
- 14 Forfeiture following conviction under section 9

15 “Appropriate national authority”

**PART 4**

PROPERTY EXPORTED FROM OCCUPIED TERRITORY

*Definitions*

16 “Unlawfully exported cultural property” etc

*Dealing in unlawfully exported cultural property*

17 Offence of dealing in unlawfully exported cultural property

18 Forfeiture in connection with dealing offence

*Forfeiture otherwise than in connection with offence*

19 Property liable to forfeiture

20 Forfeiture order

21 Compensation

22 Interim orders

*Seizure and retention of property liable to forfeiture*

23 Search and seizure warrants

24 Retention of property in custody of constable

25 Notices of seizure or retention

26 Property in custody of others

27 Return of property to owner if not forfeited

**PART 5**

PROPERTY REMOVED FOR SAFEKEEPING

28 Immunity from seizure or forfeiture

**PART 6**

GENERAL

29 Liability of company officers for offences by company

30 Crown application

31 Extent

32 Commencement

33 Short title

---

**SCHEDULES**

**SCHEDULE 1 — Convention**

**CHAPTER I.**

GENERAL PROVISIONS REGARDING PROTECTION

Article 1 Definition of cultural property

Article 2 Protection of cultural property

Article 3 Safeguarding of cultural property

- Article 4 Respect for cultural property
- Article 5 Occupation
- Article 6 Distinctive marking of cultural property
- Article 7 Military measures

## **CHAPTER II.**

### SPECIAL PROTECTION

- Article 8 Granting of special protection
- Article 9 Immunity of cultural property under special protection
  - Article 10 Identification and control
  - Article 11 Withdrawal of immunity

## **CHAPTER III.**

### TRANSPORT OF CULTURAL PROPERTY

- Article 12 Transport under special protection
- Article 13 Transport in urgent cases
- Article 14 Immunity from seizure, capture and prize

## **CHAPTER IV.**

### PERSONNEL

- Article 15 Personnel

## **CHAPTER V.**

### THE DISTINCTIVE EMBLEM

- Article 16 Emblem of the convention
- Article 17 Use of the emblem

## **CHAPTER VI.**

### SCOPE OF APPLICATION OF THE CONVENTION

- Article 18 Application of the Convention
- Article 19 Conflicts not of an international character

**CHAPTER VII.**

## EXECUTION OF THE CONVENTION

Article 20	Regulations for the execution of the Convention
Article 21	Protecting powers
Article 22	Conciliation procedure
Article 23	Assistance of UNESCO
Article 24	Special agreements
Article 25	Dissemination of the Convention
Article 26	Translations reports
Article 27	Meetings
Article 28	Sanctions

*Final provisions*

Article 29	Languages
Article 30	Signature
Article 31	Ratification
Article 32	Accession
Article 33	Entry into force
Article 34	Effective application
Article 35	Territorial extension of the Convention
Article 36	Relation to previous conventions
Article 37	Denunciation
Article 38	Notifications
Article 39	Revision of the Convention and of the Regulations for its execution
Article 40	Registration

## SCHEDULE 2 — Regulations for the execution of the Convention

## **CHAPTER I.**

### CONTROL

- Article 1 International list of persons
- Article 2 Organization of control
- Article 3 Appointment of delegates of Protecting Powers
- Article 4 Appointment of Commissioner-General
- Article 5 Functions of delegates
- Article 6 Functions of the Commissioner-General
- Article 7 Inspectors and experts
- Article 8 Discharge of the mission of control
- Article 9 Substitutes for Protecting Powers
- Article 10 Expenses

## **CHAPTER II.**

### SPECIAL PROTECTION

- Article 11 Improvised refuges
- Article 12 International Register of Cultural Property under Special Protection
- Article 13 Requests for registration
- Article 14 Objections
- Article 15 Registration
- Article 16 Cancellation

## **CHAPTER III.**

### TRANSPORT OF CULTURAL PROPERTY

- Article 17 Procedure to obtain immunity
- Article 18 Transport abroad
- Article 19 Occupied territory

## **CHAPTER IV.**

### THE DISTINCTIVE EMBLEM

- Article 20 Affixing of the emblem
- Article 21 Identification of persons

## SCHEDULE 3 — First Protocol

## SCHEDULE 4 — Second Protocol

**CHAPTER 1**

## INTRODUCTION

- Article 1 Definitions
- Article 2 Relation to the Convention
- Article 3 Scope of application
- Article 4 Relationship between Chapter 3 and other provisions of the Convention and this Protocol

**CHAPTER 2**

## GENERAL PROVISIONS REGARDING PROTECTION

- Article 5 Safeguarding of cultural property
- Article 6 Respect for cultural property
- Article 7 Precautions in attack
- Article 8 Precautions against the effects of hostilities
- Article 9 Protection of cultural property in occupied territory

**CHAPTER 3**

## ENHANCED PROTECTION

- Article 10 Enhanced protection
- Article 11 The granting of enhanced protection
- Article 12 Immunity of cultural property under enhanced protection
- Article 13 Loss of enhanced protection
- Article 14 Suspension and cancellation of enhanced protection

**CHAPTER 4**

## CRIMINAL RESPONSIBILITY AND JURISDICTION

- Article 15 Serious violations of this Protocol
- Article 16 Jurisdiction
- Article 17 Prosecution
- Article 18 Extradition
- Article 19 Mutual legal assistance

Article 20	Grounds for refusal
Article 21	Measures regarding other violations

## **CHAPTER 5**

### THE PROTECTION OF CULTURAL PROPERTY IN ARMED CONFLICTS NOT OF AN INTERNATIONAL CHARACTER

Article 22	Armed conflicts not of an international character
---------------	---

## **CHAPTER 6**

### INSTITUTIONAL ISSUES

Article 23	Meeting of the Parties
Article 24	Committee for the Protection of Cultural Property in the Event of Armed Conflict
Article 25	Term of office
Article 26	Rules of procedure
Article 27	Functions
Article 28	Secretariat
Article 29	The Fund for the Protection of Cultural Property in the Event of Armed Conflict

## **CHAPTER 7**

### DISSEMINATION OF INFORMATION AND INTERNATIONAL ASSISTANCE

Article 30	Dissemination
Article 31	International cooperation
Article 32	International assistance
Article 33	Assistance of UNESCO

## **CHAPTER 8**

### EXECUTION OF THIS PROTOCOL

Article 34	Protecting Powers
Article 35	Conciliation procedure

Article 36	Conciliation in absence of Protecting Powers
Article 37	Translations and reports
Article 38	State responsibility

## CHAPTER 9

### FINAL CLAUSES

Article 39	Languages
Article 40	Signature
Article 41	Ratification, acceptance or approval
Article 42	Accession
Article 43	Entry into force
Article 44	Entry into force in situations of armed conflict
Article 45	Denunciation
Article 46	Notifications
Article 47	Registration with the United Nations