



Geneva Conventions (Amendment) Act 1995

1995 CHAPTER 27

1 Amendment of section 1 of the 1957 Act

- (1) Section 1 (grave breaches of scheduled conventions) of the Geneva Conventions Act 1957 (in this Act referred to as “the 1957 Act”) shall be amended as follows.
- (2) In subsection (1) for the words from “any such” to “aforesaid” (in the second place it appears) there shall be substituted the words “a grave breach of any of the scheduled conventions or the first protocol shall be guilty of an offence and on conviction on indictment—
 - (a) in the case of a grave breach involving the wilful killing of a person protected by the convention or protocol in question, shall be sentenced to imprisonment for life;
 - (b) in the case of any other grave breach”.
- (3) After subsection (1) there shall be inserted the following subsection—

“(1A) For the purposes of subsection (1) of this section—

 - (a) a grave breach of a scheduled convention is anything referred to as a grave breach of the convention in the relevant Article, that is to say—
 - (i) in the case of the convention set out in the First Schedule to this Act, Article 50;
 - (ii) in the case of the convention set out in the Second Schedule to this Act, Article 51;
 - (iii) in the case of the convention set out in the Third Schedule to this Act, Article 130;
 - (iv) in the case of the convention set out in the Fourth Schedule to this Act, Article 147; and
 - (b) a grave breach of the first protocol is anything referred to as a grave breach of the protocol in paragraph 4 of Article 11, or paragraph 2, 3 or 4 of Article 85, of the protocol.”

- (4) In subsection (3)—

Status: This is the original version (as it was originally enacted).

- (a) for the words from the beginning to “jurisdiction” there shall be substituted the words “In Scotland, the sheriff shall have no jurisdiction”; and
 - (b) for the words “Attorney General” there shall be substituted the words “Director of Public Prosecutions”.
- (5) In subsection (4), for the words from the beginning to “applies” there shall be substituted the words “If in proceedings for an offence under this section any question arises under Article 2 of any of the scheduled conventions or Article 1 or 3 of the first protocol (which relate to the circumstances in which the conventions and protocol apply)”.

2 Amendment of section 6 of the 1957 Act

- (1) Section 6 of the 1957 Act shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “Army Council” there shall be substituted the words “Secretary of State”; and
 - (b) after paragraph (c) there shall be inserted the following paragraphs—
 - “(d) the sign of an equilateral blue triangle on, and completely surrounded by, an orange ground, being the international distinctive sign of civil defence;
 - (e) any of the distinctive signals specified in Chapter III of Annex I to the first protocol, being the signals of identification for medical units and transports.”
- (3) In subsection (2)—
- (a) for the words “Board of Trade” there shall be substituted the words “Secretary of State”; and
 - (b) after paragraph (b) there shall be inserted the following paragraphs—
 - “(c) any design so nearly resembling the sign specified in subsection (1)(d) of this section as to be capable of being mistaken for that sign;
 - (d) any signal so nearly resembling any of the signals referred to in subsection (1)(e) of this section as to be capable of being mistaken for one of those signals.”
- (4) In subsection (3)—
- (a) for the words “level 3” there shall be substituted the words “level 5”;
 - (b) after the words “goods” there shall be inserted the words “or other article”; and
 - (c) after the word “designation,” there shall be inserted the words “sign, signal,”.
- (5) After subsection (4) there shall be inserted the following subsection—
- “(4A) Subsection (4) of this section shall apply in relation to a design reproducing or resembling the sign specified in paragraph (d) of subsection (1) of this section as it applies to designs reproducing or resembling an emblem specified in paragraph (b) or (c) of that subsection.
- For the purposes of this subsection references in subsection (4) of this section to the passing of this Act shall be construed as references to the passing of the Geneva Conventions (Amendment) Act 1995.”

(6) In subsection (6)—

- (a) for the words “design or wording” there shall be substituted the words “design, wording, sign or signal”; and
- (b) for the words from “any British” to the end there shall be substituted the words “
 - (a) any British ship (within the meaning of the Merchant Shipping (Registration, etc.) Act 1993);
 - (b) any British-controlled aircraft or hovercraft (within the meaning of section 92 of the Civil Aviation Act 1982 or, as the case may be, that section as applied to hovercraft by virtue of provision made under the Hovercraft Act 1968).”

(7) In subsection (7)—

- (a) after the word “proceedings” there shall be inserted the words “for an offence”; and
- (b) for the words “Attorney General” there shall be substituted the words “Director of Public Prosecutions”.

3 Regulations

After section 6 of the 1957 Act there shall be inserted the following section—

“6A Regulations

(1) The Secretary of State may make regulations—

- (a) granting the authority of the Secretary of State for the purposes of subsection (1) or (2) of section 6 of this Act to persons of any description prescribed in the regulations for the use of any emblem, designation, sign, signal, design or wording referred to in those subsections;
- (b) making such provision as he may think appropriate for regulating the use for the purposes of any of the scheduled conventions, the first protocol or the second protocol of any emblem, designation, sign or signal;

and any authority granted by regulations under paragraph (a) of this subsection may be subject to such limitations and conditions as may be prescribed in the regulations.

(2) Paragraph (a) of the foregoing subsection is without prejudice to the Secretary of State’s power to give his authority under subsection (1) or (2) of section 6 of this Act otherwise than by regulations under this section.

(3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

4 Amendment of section 7 of the 1957 Act

(1) Section 7 of the 1957 Act shall be amended as follows.

- (2) In the definition of “protected internee”, after the word “Act” there shall be inserted the words “(including a person so protected by virtue of the first protocol)”.
- (3) In the definition of “protected prisoner of war”, at the end, there shall be inserted the words “(including a person protected as a prisoner of war under the first protocol) or a person entitled under the first protocol to the same protection as a prisoner of war;”.
- (4) After the definition of “protected prisoner of war” there shall be inserted the following definition—

““the first protocol” means the Protocol, additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) done on 10 June 1977, the text of which is set out in the Fifth Schedule to this Act;”.

- (5) In the definition of “the protecting power”, for the words from “or, as” to the end there shall be substituted the words “Schedule to this Act, the convention set out in the Fourth Schedule to this Act or the first protocol;”.
- (6) After the definition of “the scheduled conventions” there shall be inserted the following definition—

““the second protocol” means the Protocol, additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) done on 10 June 1977, the text of which is set out in the Sixth Schedule to this Act.”

- (7) After subsection (2) there shall be inserted the following subsections—

“(3) If the ratification by the United Kingdom of the first protocol or the second protocol is subject to any reservation or accompanied by a declaration—

- (a) Her Majesty may by Order in Council certify that such a reservation or declaration has been made and the terms in which it was made; and
- (b) the protocol shall for the purposes of this Act be construed subject to and in accordance with any reservation or declaration so certified.

(4) If such a reservation or declaration is withdrawn (in whole or part), an Order in Council under the foregoing subsection may certify that fact and revoke or amend any Order in Council containing the terms of that reservation or declaration.

(5) If the first protocol is further revised under Article 98 of the protocol, Her Majesty may by Order in Council amend the Fifth Schedule to this Act so as to ensure that the Schedule sets out the text of the protocol as in force in relation to the United Kingdom.”

5 Repeals

The following provisions of the 1957 Act are hereby repealed, namely—

- (a) in section 6—
- (i) in subsection (1), the words “emblems or designations”; and
- (ii) subsection (9) (which is spent); and
- (b) in section 8(2), paragraphs (d) and (e) (which are obsolete).

6 Additional schedules to the 1957 Act

The provisions set out in the Schedule to this Act shall be inserted after the Fourth Schedule to the 1957 Act as the Fifth and Sixth Schedules to that Act.

7 Short title, commencement and extent

- (1) This Act may be cited as the Geneva Conventions (Amendment) Act 1995.
- (2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.
- (3) This Act extends to Northern Ireland.
- (4) Section 8(2) of the 1957 Act (power to extend provisions to the Channel Islands, Isle of Man and colonies) shall apply in relation to the provisions of this Act as if they were contained in that Act.