



# 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)—

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*Status: This is the original version (as it was originally enacted).*

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- (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)”.