



International Criminal Court Act 2001

2001 CHAPTER 17

PART 5

OFFENCES UNDER DOMESTIC LAW

Consequential provisions

70 Offences under section 1 of the Geneva Conventions Act 1957

- (1) In section 1 of the Geneva Conventions Act 1957 (c. 52) (punishment of grave breaches of the conventions)—
 - (a) in subsection (1), omit the words from “and on conviction on indictment” to the end; and
 - (b) omit subsections (3) to (5).
- (2) After that section insert—

“1A Trial and punishment of offences under s.1

- (1) The following provisions apply in relation to offences under section 1 of this Act.
- (2) The offence is triable only on indictment.
- (3) Proceedings for an offence shall not be instituted—
 - (a) in England and Wales, except by or with the consent of the Attorney General;
 - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.
- (4) If the offence is not committed in the United Kingdom—
 - (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed,

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Changes to legislation: There are currently no known outstanding effects for the International Criminal Court Act 2001, Cross Heading: Consequential provisions. (See end of Document for details)

in any place in the United Kingdom.

(5) A person convicted of an offence involving murder shall be dealt with as for an offence of murder.

In this subsection “murder” means the killing of a person in such circumstances as would constitute murder if committed in the part of the United Kingdom in which the proceedings are brought.

(6) In any other case a person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.”.

(3) The above amendments do not apply in relation to offences committed before the commencement of this section.

Modifications etc. (not altering text)

C1 S. 70 extended (with modifications) (IoM) (1.4.2004) by [S.I. 2004/714](#), **art. 2(d)**, Sch.

71

F1

Textual Amendments

F1 [S. 71](#) repealed (1.1.2004) by [Extradition Act 2003](#) (c. 41), ss. 219, 220, Sch. 3 para. 12, **Sch. 4**; [S.I. 2003/3103](#), **art. 2** (subject to savings in Order (as amended by [S.I. 2003/3312](#), art. 2(2) and [S.I. 2003/3258](#), art. 2(2)))

72

F2

Textual Amendments

F2 [S. 72](#) repealed (1.1.2004) by [Extradition Act 2003](#) (c. 41), s. 220, **Sch. 4**; [S.I. 2003/3103](#), **art. 2** (subject to savings in Order (as amended by [S.I. 2003/3312](#), art. 2(2)) and [S.I. 2003/3258](#), art. 2(2)))

73

F3

Textual Amendments

F3 [S. 73](#) repealed (1.1.2004) by [Extradition Act 2003](#) (c. 41), s. 220, **Sch. 4**; [S.I. 2003/3103](#), **art. 2** (subject to savings in Order (as amended by [S.I. 2003/3312](#), art. 2(2)) and [S.I. 2003/3258](#), art. 2(2)))

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74 Consequential amendments of armed forces legislation

- (1) In section 70(3) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70(3) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) and section 42(1)(b) of the Naval Discipline Act 1957 (c. 53) (sentence on conviction by court-martial of offence where corresponding civil offence is murder), after “murder” insert “, or an offence for which a person convicted by a civil court is to be dealt with as for an offence of murder,”.
- (2) In section 70(4) of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70(4) of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) and section 48(2) of the Naval Discipline Act 1957 (c. 53) (civil offences not triable by court-martial if committed in the United Kingdom)—
 - (a) after “rape” insert “ or an offence under section 1 of the Geneva Conventions Act 1957 ”; and
 - (b) after “the Nuclear Explosions (Prohibition and Inspections) Act 1998” insert “ or an offence under section 51 or 52 of the International Criminal Court Act 2001 ”.
- (3) In section 70(5) of the Army Act 1955, section 70(5) of the Air Force Act 1955 and section 48(2) of the Naval Discipline Act 1957 (where offences involving killing are taken to have been committed), after “or manslaughter” insert “, or an offence under section 1 of the Geneva Conventions Act 1957 or section 51 of the International Criminal Court Act 2001 consisting of the killing of a person,”.

Status:

Point in time view as at 01/01/2004.

Changes to legislation:

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