



# Geneva Conventions Act 1957

## 1957 CHAPTER 52

### *Punishment of offenders against conventions.*

#### **1 Grave breaches of scheduled conventions.**

- (1) Any person, whatever his nationality, who, whether in or outside the United Kingdom, commits, or aids, abets or procures the commission by any other person of, any such grave breach of any of the scheduled conventions as is referred to in the following articles respectively of those conventions, that is to say—
  - (a) article 50 of the convention set out in the First Schedule to this Act;
  - (b) article 51 of the convention set out in the Second Schedule to this Act;
  - (c) article 130 of the convention set out in the Third Schedule to this Act; or
  - (d) article 147 of the convention set out in the Fourth Schedule to this Act,shall be guilty of felony and on conviction thereof—
  - (i) in the case of such a grave breach as aforesaid involving the wilful killing of a person protected by the convention in question, shall be sentenced to imprisonment for life;
  - (ii) in the case of any other such grave breach as aforesaid, shall be liable to imprisonment for a term not exceeding fourteen years.
- (2) In the case of an offence under this section committed outside the United Kingdom, a person may be proceeded against, indicted, tried and punished therefor in any place in the United Kingdom as if the offence had been committed in that place, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that place.
- (3) Neither a court of quarter sessions nor, in Scotland, the sheriff shall have jurisdiction to try an offence under this section, and proceedings for such an offence shall not be instituted in England except by or on behalf of the Director of Public Prosecutions or in Northern Ireland without the consent of the Attorney General for Northern Ireland.
- (4) If in proceedings under this section in respect of a grave breach of any of the scheduled conventions any question arises under article 2 of that convention (which relates to the circumstances in which the convention applies), that question shall be determined

by the Secretary of State and a certificate purporting to set out any such determination and to be signed by or on behalf of the Secretary of State shall be received in evidence and be deemed to be so signed without further proof, unless the contrary is shown.

- (5) The enactments relating to the trial by court-martial of persons who commit civil offences shall have effect for the purposes of the jurisdiction of courts-martial convened in the United Kingdom as if this section had not been passed.

*Provisions as to certain legal proceedings.*

**2 Notice of trial of protected persons to be served on protecting power, etc.**

- (1) The court before which—
- (a) a protected prisoner of war is brought up for trial for any offence; or
  - (b) a protected internee is brought up for trial for an offence for which that court has power to sentence him to death or to imprisonment for a term of two years or more,
- shall not proceed with the trial until it is proved to the satisfaction of the court that a notice containing the particulars mentioned in the next following subsection, so far as they are known to the prosecutor, has been served not less than three weeks previously on the protecting power and, if the accused is a protected prisoner of war, on the accused and the prisoners' representative.
- (2) The particulars referred to in the foregoing subsection are—
- (a) the full name and description of the accused, including the date of his birth and his profession or trade, if any, and, if the accused is a protected prisoner of war, his rank and army, regimental, personal or serial number ;
  - (b) his place of detention, internment or residence ;
  - (c) the offence with which he is charged ; and
  - (d) the court before which the trial is to take place and the time and place appointed for the trial.
- (3) For the purposes of this section a document purporting—
- (a) to be signed on behalf of the protecting power or by the prisoners' representative or by the person accused, as the case may be ; and
  - (b) to be an acknowledgment of the receipt by that power, representative or person on a specified day of a notice described therein as a notice under this section,
- shall, unless the contrary is shown, be sufficient evidence that the notice required by subsection (1) of this section was served on that power, representative or person on that day.
- (4) In this section the expression " prisoners' representative " in relation to a particular protected prisoner of war at a particular time means the person by whom the functions of prisoners' representative within the meaning of article 79 of the convention set out in the Third Schedule to this Act were exercisable in relation to that prisoner at the camp or place at which that prisoner was, at or last before that time, detained as a protected prisoner of war.
- (5) Any court which adjourns a trial for the purpose of enabling the requirements of this section to be complied with may, notwithstanding anything in any other enactment, remand the accused for the period of the adjournment.

### **3 Legal representation of certain persons.**

- (1) The court before which—
  - (a) any person is brought up for trial for an offence under section one of this Act;  
or
  - (b) a protected prisoner of war is brought up for trial for any offence,shall not proceed with the trial unless—
  - (i) the accused is represented by counsel; and
  - (ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the solicitor by whom that counsel was instructed,and if the court adjourns the trial for the purpose of enabling the requirements of this subsection to be complied with, then, notwithstanding anything in any other enactment, the court may remand the accused for the period of the adjournment.
- (2) Where the accused is a protected prisoner of war, in the absence of counsel accepted by the accused as representing him, counsel instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of paragraph (ii) of the foregoing subsection, be regarded for the purposes of that subsection as representing the accused.
- (3) If the court adjourns the trial in pursuance of subsection (1) of this section by reason that the accused is not represented by counsel, the court shall direct that a solicitor and counsel be assigned to watch over the interests of the accused at any further proceedings in connection with the offence, and at any such further proceedings, in the absence of counsel either accepted by the accused as representing him or instructed as mentioned in the last foregoing subsection, counsel assigned in pursuance of this subsection shall, without prejudice to the requirements of paragraph (ii) of the said subsection (1), be regarded for the purposes of that subsection as representing the accused.
- (4) In relation to any proceedings before a court before which the accused may be heard by a solicitor, the foregoing provisions of this section shall be construed, with any necessary modifications, as if references therein to counsel were references to counsel or a solicitor ; and for the purposes of any such proceedings the court in giving a direction under the last foregoing subsection may, if the court is satisfied that the nature of the charge and the interests of justice do not require that the interests of the accused should be watched over by counsel, direct that a solicitor only shall be assigned as mentioned in that subsection.
- (5) A solicitor or counsel shall be assigned in pursuance of subsection (3) of this section in such manner as Her Majesty may by Order in Council prescribe, and any solicitor or counsel so assigned shall be entitled to be paid by the Secretary of State out of moneys provided by Parliament such sums in respect of fees and disbursements as the Secretary of State may by regulations made by statutory instrument prescribe.

### **4 Appeals by protected persons.**

- (1) Where a protected prisoner of war or a protected internee has been sentenced to death or to imprisonment for a term of two years or more, the time within which he must give notice of appeal or notice of his application for leave to appeal to the Court of Criminal Appeal, the High Court of Justiciary, or the Court of Criminal Appeal in Northern Ireland, as the case may be, shall, notwithstanding anything in the enactments relating

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

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to such appeals, be the period from the date of his conviction or, in the case of an appeal against sentence, of his sentence to the expiration of ten days after the date on which he receives a notice given—

- (a) in the case of a protected prisoner of war, by an officer of Her Majesty's forces;
- (b) in the case of a protected internee, by or on behalf of the governor of the prison in which he is confined,

that the protecting power has been notified of his conviction and sentence ; and in a case to which the foregoing provisions of this subsection apply, a reference to the period aforesaid shall be substituted for any reference to the period of ten days after the date of conviction in subsection (1) of section six of the Criminal Appeal Act, 1907, or subsection (1) of section five of the Criminal Appeal (Northern Ireland) Act, 1930 (which relate to the revesting and restitution of property on conviction).

- (2) Where after an appeal to the Court of Criminal Appeal or to the Court of Criminal Appeal in Northern Ireland the sentence on a protected prisoner of war or a protected internee remains a sentence of death, or remains or has become a sentence of imprisonment for a term of two years or more, the time within which he must apply to the Attorney General or, as the case may be, to the Attorney General for Northern Ireland for a certificate authorising an appeal to the House of Lords from the decision of the Court of Criminal Appeal in question shall, instead of being a period of seven days from the date when the decision of the court was given, be a period from that date to seven days after the date when the convicted person receives a notice given as mentioned in paragraph (a) or, as the case may be, paragraph (b) of the foregoing subsection that the protecting power has been notified of the decision of the court.
- (3) In relation to a protected prisoner of war, the Courts-Martial (Appeals) Act, 1951, shall have effect as if—
  - (a) the expression " army court-martial" therein included a prisoner of war court-martial constituted under a Royal Warrant governing the maintenance of discipline among prisoners of war;
  - (b) a reference to such a Royal Warrant as aforesaid were substituted—
    - (i) for any reference in section six of the said Act of 1951 to the relevant Act;
    - (ii) for the reference in subsection (4) of the said section six to section one hundred and sixteen of the Army Act, 1955 ;
    - (iii) for the reference in subsection (5) of the said section six to the Army Act, 1955 ; and
    - (iv) for the reference in section eighteen of the said Act of 1951 to the enactment relating to the revision of the finding or sentence of an army court-martial ; and
  - (c) the proviso to subsection (1) of section fourteen of the said Act of 1951 were omitted;

and the last foregoing subsection shall apply in relation to the Courts-Martial Appeals Court as it applies in relation to the Court of Criminal Appeal but with the substitution for the words " seven days " in both places where they occur in that subsection of the words " fourteen days ".

## **5 Reduction of sentence' and custody of protected persons.**

- (1) It shall be lawful for the Secretary of State or, in Northern Ireland, the Minister of Home Affairs for Northern Ireland, in any case in which a protected prisoner

of war or a protected internee is convicted of an offence and sentenced to a term of imprisonment, to direct that there shall be deducted from that term a period not exceeding the period, if any, during which that person was in custody in connection with that offence, either on remand or after committal for trial (including the period of the trial), before the sentence began, or is deemed to have begun, to run.

- (2) It shall be lawful for the Secretary of State or, in Northern Ireland, the Minister aforesaid, in a case where he is satisfied that a protected prisoner of war accused of an offence has been in custody in connection with that offence, either on remand or after committal for trial (including the period of the trial), for an aggregate period of not less than three months, to direct that the prisoner shall be transferred from that custody to the custody of an officer of Her Majesty's forces and thereafter remain in military custody at a camp or place in which protected prisoners of war are detained, and be brought before the court at the time appointed by the remand or committal order.

*Prevention of abuse of Red Cross and other emblems.*

**6 Use of Red Cross and other emblems.**

- (1) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the Army Council, to use for any purpose whatsoever any of the following emblems or designations, that is to say—
- (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation " Red Cross " or " Geneva Cross " ;
  - (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation "Red Crescent";
  - (c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion's back, the upper half of the sun shooting forth rays, or the designation " Red Lion and Sun " .
- (2) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the Board of Trade, to use for any purpose whatsoever—
- (a) any design consisting of a white or silver cross with vertical and horizontal arms of the same length on, and completely surrounded by, a red ground, being the heraldic emblem of the Swiss Confederation, or any other design so nearly resembling that design as to be capable of being mistaken for that heraldic emblem ;
  - (b) any design or wording so nearly resembling any of the emblems or designations specified in the foregoing subsection as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.
- (3) If any person contravenes the foregoing provisions of this section he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds and to forfeit any goods upon or in connection with which the emblem, designation, design or wording was used.
- (4) In the case of a trade mark registered before the passing of this Act, the foregoing provisions of this section shall not apply by reason only of its consisting of or containing a design or wording which reproduces or resembles an emblem or

designation specified in paragraph (b) or (c) of subsection (1) of this section ; and where a person is charged with using such a design or wording for any purpose and it is proved that he used it otherwise than as, or as part of, a trade mark registered as aforesaid, it shall be a defence for him to prove—

- (a) that he lawfully used that design or wording for that purpose before the passing of this Act; or
  - (b) in a case where he is charged with using the design or wording upon goods, that the design or wording had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade and who lawfully used the design or wording upon similar goods before the passing of this Act.
- (5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, and in this subsection the expression " director ", in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.
- (6) It is hereby declared that this section extends to the use in or outside the United Kingdom of any such emblem, designation, design or wording as is referred to in subsection (1) or (2) thereof on any British ship or aircraft, not being a ship or aircraft registered in any country mentioned in subsection (3) of section one of the British Nationality Act, 1948.
- (7) Proceedings under this section shall not be instituted in England except by or on behalf of the Director of Public Prosecutions or in Northern Ireland without the consent of the Attorney General for Northern Ireland.
- (8) The authority of the Board of Trade under this section may be given by the President of the Board, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.
- (9) The Geneva Convention Act, 1911, and the Geneva Convention Act, 1937, shall cease to have effect except in so far as they form part of the law of any territory outside the United Kingdom.

*General.*

**7 Interpretation.**

- (1) In this Act the following expressions have the following meanings respectively, that is to say—
- " court " does not include a court-martial;
  - " enactment " includes an enactment of the Parliament of Northern Ireland;
  - " protected internee " means a person protected by the convention set out in the Fourth Schedule to this Act and interned in the United Kingdom ;
  - " protected prisoner of war " means a person protected by the convention set out in the Third Schedule to this Act;

" the protecting power ", in relation to a protected prisoner of war or a protected internee, means the power or organisation which is carrying out, in the interests of the power of which he is a national, or of whose forces he is, or was at any material time, a member, the duties assigned to protecting powers under the convention set out in the Third or, as the case may be, Fourth Schedule to this Act;

" the scheduled conventions " means the conventions set out in the Schedules to this Act.

- (2) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

## **8 Short title and extent.**

- (1) This Act may be cited as the Geneva Conventions Act, 1957.
- (2) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, subject to such exceptions and modifications, if any, as may be specified in the Order to—
- (a) any of the Channel Islands ;
  - (b) the Isle of Man ;
  - (c) any colony;
  - (d) any country outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction ;
  - (e) any country consisting partly of one or more colonies and partly of one or more such countries as are mentioned in the last foregoing paragraph.