



# Geneva Conventions Act 1957

## 1957 CHAPTER 52

### *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

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*Status: This is the original version (as it was originally enacted).*

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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.