Cultural Property (Armed Conflicts) Act 2017

2017 CHAPTER 6

U.K.

An Act to enable the United Kingdom to implement the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and the Protocols to that Convention of 1954 and 1999. [23rd February 2017]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1 U.K.

KEY DEFINITIONS

1 "The Convention" and related expressions U.K.

(1) In this Act—

"the Convention" means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954;

"the Regulations for the execution of the Convention" means the Regulations for the execution of the Convention for the Protection of Cultural Property in the Event of Armed Conflict;

"the First Protocol" means the Protocol to the Convention, done at the Hague on 14 May 1954;

"the Second Protocol" means the Second Protocol to the Convention, done at the Hague on 26 March 1999.

(2) The text of those instruments is set out in Schedules 1 to 4.

Commencement Information
I1 S. 1 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

2 "Cultural property" U.K.

In this Act "cultural property" has the meaning given in Article 1 of the Convention.

Commencement Information
I2 S. 2 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

PART 2 U.K.

SERIOUS VIOLATION OF SECOND PROTOCOL

3 Offence of serious violation of Second Protocol U.K.

(1) A person commits an offence if—
- (a) the person does an intentional act of a kind described in any of sub-paragraphs (a) to (e) of paragraph 1 of Article 15 of the Second Protocol,
- (b) the act is a violation of the Convention or the Second Protocol, and
- (c) the person knows that the property to which the act relates is cultural property.

(2) It does not matter whether the act is done in the United Kingdom or elsewhere.

(3) If the act is of a kind described in paragraph 1(a), (b) or (c) of Article 15 of the Second Protocol it does not matter whether the person is a UK national.

(4) If the act is of a kind described in paragraph 1(d) or (e) of that Article and is done outside the United Kingdom an offence is committed only if the person is—
- (a) a UK national, or
- (b) a person subject to UK service jurisdiction.

(5) In this Part "UK national" means—
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas Citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject,
- (c) a British protected person within the meaning of that Act, or
- (d) a body incorporated under the law of any part of the United Kingdom.

(6) In this Part "person subject to UK service jurisdiction" means—
- (a) a person subject to service law within the meaning of the Armed Forces Act 2006, or
- (b) a civilian subject to service discipline within the meaning of that Act.

Commencement Information

I3 S. 3 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

4 Ancillary offences U.K.

(1) An offence ancillary to an offence under section 3 is capable of being committed in the United Kingdom or elsewhere.

(2) An offence ancillary to an offence under section 3 in respect of an act of a kind described in paragraph 1(a), (b) or (c) of Article 15 of the Second Protocol is capable of being committed by any person, whether a UK national or not.

(3) An offence ancillary to an offence under section 3 in respect of an act done outside the United Kingdom of a kind described in paragraph 1(d) or (e) of Article 15 of the Second Protocol is capable of being committed by a person outside the United Kingdom only if the person is—

(a) a UK national, or

(b) a person subject to UK service jurisdiction.

(4) In the application of this Part to England and Wales, references to an offence that is ancillary to an offence under section 3 are to—

(a) attempting or conspiring to commit that offence, or

(b) an offence under section 4(1) or 5(1) of the Criminal Law Act 1967 (assisting an offender or concealing the commission of an offence) where the relevant offence mentioned there is an offence under section 3 of this Act.

(5) In the application of this Part to Northern Ireland, references to an offence that is ancillary to an offence under section 3 are to—

(a) attempting or conspiring to commit that offence, or

(b) an offence under section 4(1) or 5(1) of the Criminal Law Act (Northern Ireland) 1967 (c. 18 (N.I.)) (assisting an offender or concealing the commission of an offence) where the relevant offence mentioned there is an offence under section 3 of this Act.

(6) In the application of this Part to Scotland, references to an offence that is ancillary to an offence under section 3 are to—

(a) being art and part in the commission of that offence,

(b) aiding, abetting, counselling, procuring or inciting a person to commit that offence,

(c) attempting or conspiring to commit that offence,

(d) perverting, or attempting to pervert, the course of justice in connection with that offence, or

(e) defeating, or attempting to defeat, the ends of justice in connection with that offence.

(7) A reference in this Part to an offence that is ancillary to an offence under section 3 includes a reference to an offence that is ancillary to such an ancillary offence, and so on.

(8) Subsections (4) to (6) apply for the purposes of subsection (7) as if any reference to an offence under section 3 included a reference to an offence that is ancillary to an offence under section 3, and so on.

Commencement Information

I4 S. 4 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

5 Responsibility of commanders and other superiors U.K.

(1) A person described in this section as responsible for a section 3 offence is to be treated as—

(a) aiding, abetting, counselling or procuring the commission of the offence under the laws of England and Wales and Northern Ireland, and

(b) being art and part in the commission of the offence under the law of Scotland.

(2) A military commander is responsible for a section 3 offence committed by forces under the commander's effective command and control if—

(a) the offence is committed as a result of the commander's failure to exercise control properly over those forces,

(b) the commander either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit the offence, and

(c) the commander failed to take all necessary and reasonable measures within the commander's power to prevent or repress the commission of the offence or to submit the matter to the competent authorities for investigation and prosecution.

(3) In subsection (2)—

(a) references to a military commander include a reference to a person effectively acting as a military commander, and

(b) in relation to such a person, the reference to effective command and control is to effective authority and control.

(4) With respect to superior and subordinate relationships not described in subsection (2), a superior is responsible for a section 3 offence committed by a subordinate who is under the superior's effective authority and control if—

(a) the offence is committed as a result of the superior's failure to exercise control properly over the subordinate,

(b) the superior either knew, or consciously disregarded information which clearly indicated, that the subordinate was committing or about to commit the offence,

(c) the offence concerned activities that were within the superior's effective responsibility and control, and

(d) the superior failed to take all necessary and reasonable measures within the superior's power to prevent or repress the commission of the offence or to submit the matter to the competent authorities for investigation and prosecution.

(5) References in this section to a “section 3 offence” are to—

(a) an offence under section 3, or
(b) an offence ancillary to such an offence.

(6) In interpreting and applying the provisions of this section (which corresponds to article 28 of the Statute of the International Criminal Court done at Rome on 17 July 1998) a court must take account of any relevant judgment or decision of the International Criminal Court.

(7) Nothing in this section affects any criminal liability that arises apart from this section.

Commencement Information
I5 S. 5 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

6 Penalties U.K.

A person guilty of an offence under section 3, or an offence ancillary to such an offence, is liable on conviction on indictment to imprisonment for a term not exceeding 30 years.

Commencement Information
I6 S. 6 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

7 Consent to prosecutions U.K.

Proceedings for an offence under section 3, or an offence ancillary to such an offence, may be brought—
(a) in England and Wales, only by or with the consent of the Attorney General;
(b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Commencement Information
I7 S. 7 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

PART 3 U.K.

CULTURAL EMBLEM

8 The cultural emblem U.K.

In this Part "the cultural emblem" means the design shown below, coloured as described in the key.

Key

□ white

■ royal blue

Commencement Information

I8 S. 8 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

9 Offence of unauthorised use U.K.

(1) It is an offence for a person to use the cultural emblem otherwise than as authorised by section 10, 11 or 12.

(2) In subsection (1) the reference to the cultural emblem includes any other design that so nearly resembles the emblem as to be capable of being mistaken for it.

(3) A person guilty of an offence under this section is liable on summary conviction—

(a) in England and Wales, to a fine;

(b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.

(4) Proceedings for an offence under this section may be brought—

(a) in England and Wales, only by or with the consent of the Director of Public Prosecutions;

(b) in Northern Ireland, only by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Commencement Information

I9 S. 9 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

10 Use authorised by appropriate national authority U.K.

(1) Use of the cultural emblem is authorised by this section if the use is in accordance with permission granted by the appropriate national authority for the part of the United Kingdom in which the use takes place.

(2) But use of the cultural emblem in relation to immoveable cultural property is authorised by this section only if a copy of the permission is displayed alongside the cultural emblem.

(3) Permission under this section—

(a) may be general or specific;

(b) may be withdrawn.

Commencement Information
I10 S. 10 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

11 Other authorised use: moveable property U.K.

(1) Use of the cultural emblem is authorised by this section if the use is for the purpose of identifying moveable cultural property.

(2) Use of three representations of the cultural emblem (in a triangle, with one emblem below) is authorised by this section if the use is for the purpose of identifying cultural property that is undergoing protected transportation.

(3) Cultural property is undergoing protected transportation if it enjoys the protection provided for in Article 12 or 13 of the Convention.

Commencement Information
I11 S. 11 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

12 Other authorised use: personnel U.K.

(1) Use of the cultural emblem is authorised by this section if the use is for the purpose of identifying—
  (a) a person mentioned in Article 2 or 7 of the Regulations for the execution of the Convention (persons responsible for control), or
  (b) a person who is designated for the purpose of this paragraph by any of the appropriate national authorities.

(2) The appropriate national authority for a part of the United Kingdom may designate a person for the purpose of subsection (1)(b) only if the authority believes the person to be engaged in the protection of cultural property in that part of the United Kingdom (but a designation applies for the purposes of subsection (1)(b) even in relation to use of the cultural emblem in other parts of the United Kingdom).

Commencement Information
I12 S. 12 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

13 Defences U.K.

(1) If a person is charged with an offence under section 9 by reason of using a design, it is a defence to show that subsection (2), (3) or (4) applies.

(2) This subsection applies if the use of the design is for a purpose for which the accused lawfully used it before this section comes into force.

(3) This subsection applies if—
  (a) the design is registered as a trade mark,
  (b) the use is in relation to goods or services for which the trade mark is registered,

(c) the trade mark was registered in relation to those goods or services before this section comes into force, and

(d) the use of the design is not an infringement of the trade mark.

(4) This subsection applies if—

(a) the design is used on goods,

(b) the design was applied to the goods before the accused acquired them, and

(c) the person who applied the design to the goods falls within subsection (5).

(5) A person falls within this subsection if the person—

(a) manufactured the goods or dealt with them in the course of trade, and

(b) lawfully used the design in relation to similar goods before this section comes into force.

(6) If there is sufficient evidence before the court to raise an issue with respect to a defence under this section, the court must assume that the defence is made out unless it is proved beyond reasonable doubt that it is not.

Commencement Information

I13 S. 13 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

14 Forfeiture following conviction under section 9 U.K.

(1) If a person is convicted of an offence under section 9 by reason of using a design on an article, or in connection with an article, the court by which the person is convicted may order the forfeiture of the article.

(2) The court may also make such provision as appears to it to be necessary for giving effect to the forfeiture.

(3) That provision may include, in particular, provision relating to the retention, disposal or destruction of the article.

(4) Provision made under this section may be varied at any time by the court that made it.

Commencement Information

I14 S. 14 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

15 "Appropriate national authority" U.K.

For the purposes of this Part—

(a) the Secretary of State is the appropriate national authority for England;

(b) the Welsh Ministers are the appropriate national authority for Wales;

(c) the Scottish Ministers are the appropriate national authority for Scotland;

(d) the Department for Communities in Northern Ireland is the appropriate national authority for Northern Ireland.

Commencement Information
I15 S. 15 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

PART 4 U.K.

PROPERTY EXPORTED FROM OCCUPIED TERRITORY

Definitions

16 "Unlawfully exported cultural property" etc U.K.

(1) For the purposes of this Part property is "unlawfully exported cultural property" if—
- (a) it has been unlawfully exported from a territory which at the time was occupied by a state that was a party to the First or Second Protocol, or
- (b) it has been unlawfully exported from a territory which at the time—
  - (i) was territory of a state that was a party to the First or Second Protocol, and
  - (ii) was occupied by another state.

(2) It does not matter whether the property was exported before or after this section comes into force.

(3) For the purposes of this Part exportation of property is "unlawful" if—
- (a) it is in contravention of the laws of the territory from which the property is exported, or
- (b) it is in contravention of any rule of international law.

(4) A reference in subsection (1) to a state that was a party to the First or Second Protocol is to a state that was a party to the First or Second Protocol at the time of the export.

(5) In determining for the purposes of this Part whether territory is occupied regard must be had to Article 42 of the Regulations respecting the Laws and Customs of War on Land annexed to the Convention respecting the Laws and Customs of War on Land (Hague IV), done at the Hague on 18 October 1907.

(6) If in any proceedings an issue arises as to whether cultural property is unlawfully exported cultural property, a certificate by the Secretary of State is conclusive evidence as to whether, at a particular time, territory was occupied by a party to the First or Second Protocol or by any other state.

Commencement Information
I16 S. 16 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

Dealing in unlawfully exported cultural property

17 Offence of dealing in unlawfully exported cultural property U.K.

(1) It is an offence for a person to deal in unlawfully exported cultural property, knowing or having reason to suspect that it has been unlawfully exported.

(2) Subsection (1) does not apply to property imported into the United Kingdom before this section comes into force.

(3) A person deals in unlawfully exported cultural property if (and only if) the person—

(a) acquires or disposes of it in the United Kingdom or imports it into, or exports it from, the United Kingdom,

(b) agrees with another to do an act mentioned in paragraph (a), or

(c) makes arrangements under which another does such an act or under which another agrees with a third person to do such an act.

(4) "Acquires" means buys, hires, borrows or accepts.

(5) "Disposes of" means sells, lets on hire, lends or gives.

(6) A person guilty of an offence under this section in England and Wales is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both);

(b) on summary conviction, to imprisonment for a term not exceeding **[**[F1]the general limit in a magistrates' court**]** or a fine (or both).

(7) A person guilty of an offence under this section in Scotland is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both);

(b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both).

(8) A person guilty of an offence under this section in Northern Ireland is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or a fine (or both);

(b) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

(9) In relation to an offence committed before **[**[F2]2 May 2022**]** the reference in subsection (6)(b) to **[**[F3]the general limit in a magistrates' court**]** has effect as a reference to 6 months.

Textual Amendments

F1 Words in s. 17(6)(b) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

F2 Words in s. 17(9) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

F3 Words in s. 17(9) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information
I17 S. 17 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

18 Forfeiture in connection with dealing offence U.K.

(1) The court by or before which a person is convicted of an offence under section 17 may order the forfeiture of the property in respect of which the offence was committed.

(2) The court may also make such provision as appears to it to be necessary for giving effect to the forfeiture.

(3) That provision may include, in particular, provision relating to the retention or disposal of the property.

(4) Provision made under this section may be varied at any time by the court that made it.

Commencement Information
I18 S. 18 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

Forfeiture otherwise than in connection with offence

19 Property liable to forfeiture U.K.

Unlawfully exported cultural property is liable to forfeiture if it is imported into the United Kingdom after this section comes into force.

Commencement Information
I19 S. 19 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

20 Forfeiture order U.K.

(1) The appropriate court may, on an application by the Secretary of State, order the forfeiture of any property that is liable to forfeiture under section 19.

(2) In this section "the appropriate court" means—
  (a) in relation to England and Wales and Northern Ireland, the High Court, and
  (b) in relation to Scotland, the Court of Session.

Commencement Information
I20 S. 20 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

21 Compensation U.K.

(1) A court may provide for a forfeiture order under section 20 to be conditional on the payment of a specified amount of compensation to a person who has acquired an interest in the property since it was unlawfully exported from occupied territory.

(2) The court may provide for a forfeiture order to be conditional on the payment of compensation to a person who has acquired an interest only if satisfied that the person acquired the interest in good faith and without knowledge of the fact that the property had been unlawfully exported from occupied territory.

(3) Nothing in this section obliges anyone to pay compensation but a conditional order—

(a) does not take effect until the compensation is paid (whether by the Secretary of State or otherwise), and

(b) lapses if the compensation is not paid within the period of four months beginning with the day on which the order is made.

Commencement Information

I21 S. 21 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

22 Interim orders U.K.

(1) The appropriate court may, on an application by the Secretary of State, make any order it thinks appropriate for the safekeeping of property that is or may be the subject of an application for a forfeiture order under section 20.

(2) An order under this section may for example—

(a) prohibit a person from dealing in the property;

(b) require it to be kept at a particular location;

(c) stipulate conditions under which it must be kept;

(d) require or authorise a person to take steps for its conservation.

(3) If the property is not yet the subject of an application for a forfeiture order the court may make an order under this section only if it is satisfied that there is an arguable case that the property is liable to forfeiture.

(4) An order made in the circumstances mentioned in subsection (3) lapses if no application for the forfeiture of the property is made within the period of four months beginning with the day on which the order is made.

(5) An order under this section may be amended or discharged by the court that made it.

(6) In this section "the appropriate court" has the meaning given in section 20(2).

Commencement Information

I22 S. 22 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

Seizure and retention of property liable to forfeiture

23 Search and seizure warrants U.K.

(1) A justice may issue a warrant under this section in respect of any premises if satisfied that there are reasonable grounds for suspecting that property liable to forfeiture under section 19 is likely to be found.

(2) A warrant under this section authorises a constable—

(a) to enter and search the premises specified in the warrant, and

(b) to seize any property found there which the constable has grounds for believing is liable to forfeiture under section 19.

(3) A person exercising a power conferred by a warrant under this section may, if necessary, use reasonable force in the exercise of the power.

(4) Property seized under this section must be retained by a constable pending—

(a) forfeiture of the property under section 20, or

(b) return or disposal of the property under section 27.

(5) A person who has custody of property following its seizure under this section must give notice of its seizure to any person who, to his or her knowledge, owned the property at the time it was seized.

(6) But notice need not be given if the property was seized in the presence of—

(a) the owner, or

(b) an employee or agent of the owner.

(7) A reference in this section to the owner of property means, if there is more than one owner, any of them.

(8) In this section—

"justice" means—

(a) in England and Wales, a justice of the peace,

(b) in Scotland, a sheriff or summary sheriff, and

(c) in Northern Ireland, a lay magistrate;

"premises" has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 23 of that Act).

(9) In Schedule 1 to the Criminal Justice and Police Act 2001 (powers which relate to the seizure of property in bulk), in Part 1, at the end insert—

"**Cultural Property (Armed Conflicts) Act 2017**

73Q The power of seizure conferred by section 23 of the Cultural Property (Armed Conflicts) Act 2017 (seizure of property liable to forfeiture under section 19 of that Act)."

Commencement Information

I23 S. 23 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

24 Retention of property in custody of constable U.K.

(1) This section applies to property that—

(a) has been seized for a purpose connected with the investigation or prosecution of a suspected offence under section 17, and

(b) is in the custody of a constable.

(2) If the property ceases to be needed for that purpose a constable may apply to a justice for an order that the property must be retained by a constable pending—
  (a) forfeiture of the property under section 20, or
  (b) return or disposal of the property under section 27.

(3) The justice may make the order if satisfied that there are reasonable grounds for suspecting that the property may be liable to forfeiture under section 19 (and in accordance with section 20).

(4) A constable who has custody of the property following the making of an order for its retention must give notice of the order to any person who, to his or her knowledge, owned the property at the time the order was made.

(5) It is lawful for property to which this section applies to be retained by a constable—
  (a) pending the making or determination of an application under subsection (2), or
  (b) in accordance with an order under subsection (3).

(6) The following do not apply to property retained in reliance on subsection (5)—
  (a) the Police (Property) Act 1897 (property seized in the investigation of an offence);
  (b) section 31 of the Police (Northern Ireland) Act 1998 (which makes similar provision in Northern Ireland).

(7) In this section "justice" means—
  (a) in England and Wales, a justice of the peace,
  (b) in Scotland, a sheriff or summary sheriff, and
  (c) in Northern Ireland, a lay magistrate.

Commencement Information
I24 S. 24 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

25 Notices of seizure or retention U.K.

(1) A notice under section 23(5) or 24(4)—
  (a) must be in writing, and
  (b) must set out the grounds for the seizure of the property or its retention.

(2) A notice under section 23(5) or 24(4) must be given to a person by—
  (a) delivering it personally,
  (b) addressing it to the person and leaving it at the appropriate address,
  (c) addressing it to the person and sending it by post to that address, or
  (d) in the case of a person who has no address within the United Kingdom, or whose address is unknown, publishing it in the London, Edinburgh or Belfast Gazette.

(3) "The appropriate address", in relation to a person, means—
  (a) in the case of a body corporate, its registered or principal office;
  (b) in any other case, the person's usual or last known place of residence or business.

Commencement Information

I25 S. 25 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

26 Property in custody of others U.K.

(1) This section applies to property that—

(a) has been seized for a purpose connected with the investigation or prosecution of a suspected offence under section 17, and

(b) is in the custody of a person who is not a constable.

(2) The person must transfer the property to a constable as soon as is reasonably practicable after it ceases to be needed for the purpose mentioned in subsection (1)(a) (and a constable may then make an application under section 24(2)).

(3) It is lawful for property to which this section applies to be retained by the person pending compliance with subsection (2).

Commencement Information

I26 S. 26 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

27 Return of property to owner if not forfeited U.K.

(1) This section applies to property that has been seized under section 23, or retained in pursuance of an order under section 24, if—

(a) an application for the forfeiture of the property under section 20 is refused and no appeal against the refusal (or any subsequent appeal) is pending,

(b) proceedings on an application for the forfeiture of the property under section 20 are discontinued,

(c) a forfeiture order made in respect of the property under section 20 has lapsed, or

(d) no application for its forfeiture has been made under section 20 within the period of four months beginning with the day on which the property was seized under section 23 or the order was made under section 24.

(2) The property must be returned to its owner as soon as is reasonably practicable.

(3) If it is not reasonably practicable to return the property within the period of 12 months beginning with the day on which the duty to return it arises, the property may be disposed of in such manner as the person who for the time being has custody of the property thinks appropriate.

(4) For the purposes of subsection (1)(a) an appeal is pending if—

(a) an appeal has been brought but has not been determined or withdrawn,

(b) an application for permission to appeal has been made but has not been determined or withdrawn, or

(c) no such application has been made but the period for bringing an appeal is still running (disregarding the possibility of an appeal out of time).

(5) References in this section to the owner of property mean, if there is more than one owner, any of them.

Commencement Information

I27 S. 27 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

PART 5 U.K.

PROPERTY REMOVED FOR SAFEKEEPING

28 Immunity from seizure or forfeiture U.K.

(1) While a thing is protected under this section it may not be seized or forfeited under any legislation or rule of law.

(2) Protection under this section does not affect any other civil or criminal liability that a person may incur in relation to the thing.

(3) Cultural property that is being transported from outside the United Kingdom to a place within the United Kingdom is protected under this section if it enjoys the protection provided for in Article 12 of the Convention.

(4) Cultural property that is in transit through the United Kingdom is protected under this section if it enjoys the protection provided for in Article 12 of the Convention.

(5) Cultural property for which the United Kingdom is depositary is protected under this section if it is under the control of the Secretary of State or a person to whom the Secretary of State has entrusted its safekeeping.

(6) The United Kingdom is depositary for cultural property in the circumstances provided for by Article 18 of the Regulations for the execution of the Convention.

(7) A vehicle is protected under this section if it is transporting cultural property to which subsection (3) or (4) applies.

(8) The reference in subsection (1) to seizure or forfeiture of a thing includes a reference to—

(a) taking control of the thing under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007;

(b) execution or distress (in England and Wales or Northern Ireland);

(c) diligence or sequestration (in Scotland);

(d) seizure, confiscation or forfeiture, or any other measure relating to the custody or control of the thing, in the course of a criminal investigation or criminal proceedings;

(e) the making or enforcement of an order relating to the custody or control of the thing in civil proceedings.

(9) In this section—

"legislation" means primary or secondary legislation;

"primary legislation" means—

(a) an Act of Parliament,
(b) an Act of the Scottish Parliament,
(c) a Measure or Act of the National Assembly for Wales, or
(d) Northern Ireland legislation;

"secondary legislation" means an instrument made under primary legislation;

"vehicle" means any form of transport.

Commencement Information
I28 S. 28 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

PART 6 U.K.

GENERAL

29 Liability of company officers for offences by company U.K.

(1) If an offence to which this section applies is committed by a body corporate or a Scottish partnership and is proved to have been committed with the consent or connivance of an officer, the officer (as well as the body corporate or partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) This section applies to—
(a) an offence under section 3 or an offence that is ancillary to such an offence (within the meaning given by section 4);
(b) an offence under section 9;
(c) an offence under section 17.

(3) In relation to a body corporate "officer" means—
(a) a director, manager, secretary or other similar officer of the body, or
(b) a person purporting to act in any such capacity.

(4) In relation to a Scottish partnership "officer" means—
(a) a partner, or
(b) a person purporting to act as a partner.

(5) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with functions of management as if the member were an officer of the body.

30 Crown application U.K.

(1) This Act binds the Crown.

(2) No contravention by the Crown of a provision of this Act makes the Crown criminally liable.

(3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

(4) The High Court or, in Scotland, the Court of Session may, on the application of a person appearing to the Court to have an interest, declare unlawful an act or omission of the Crown which constitutes a contravention of a provision of this Act.

(5) Nothing in this section affects Her Majesty in her private capacity.

(6) Subsection (5) is to be read as if section 38(3) of the Crown Proceedings Act 1947 (references to Her Majesty in her private capacity) were contained in this Act.

31 Extent U.K.

(1) This Act extends to—
- (a) England and Wales,
- (b) Scotland, and
- (c) Northern Ireland.

(2) Her Majesty may by Order in Council provide for any of the provisions of this Act to extend, with or without modifications, to—
- (a) the Isle of Man;
- (b) any British overseas territory.

32 Commencement U.K.

(1) This Part comes into force on the day on which this Act is passed.

(2) The other provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.

(3) Different days may be appointed for different purposes.

(4) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.

(5) Regulations under this section are to be made by statutory instrument.

33 Short title U.K.

This Act may be cited as the Cultural Property (Armed Conflicts) Act 2017.

SCHEDULES

SCHEDULE 1 U.K.

Section 1(2)

CONVENTION

Commencement Information
I29 Sch. 1 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April, 1935;

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

The High Contracting Parties,

Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction;

Being convinced that damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world;

Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection;

Guided by the principles concerning the protection of cultural property during armed conflict, as established in the Conventions of The Hague of 1899 and of 1907 and in the Washington Pact of 15 April, 1935;

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

Being of the opinion that such protection cannot be effective unless both national and international measures have been taken to organize it in time of peace;

Being determined to take all possible steps to protect cultural property;

Have agreed upon the following provisions:

CHAPTER I. U.K.

GENERAL PROVISIONS REGARDING PROTECTION

Definition of cultural property

Article 1 For the purposes of the present Convention, the term 'cultural property' shall cover, irrespective of origin or ownership:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centers containing monuments'.

Protection of cultural property

Article 2 For the purposes of the present Convention, the protection of cultural property shall comprise the safeguarding of and respect for such property.

Safeguarding of cultural property

Article 3 The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.

Respect for cultural property

Article 4 (1) The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility, directed against such property.

(2) The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.

(3) The High Contracting Parties further undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.

(4) They shall refrain from any act directed by way of reprisals against cultural property.

(5) No High Contracting Party may evade the obligations incumbent upon it under the present Article, in respect of another High Contracting Party, by reason of the fact that the latter has not applied the measures of safeguard referred to in Article 3.

Occupation

Article 5 (1) Any High Contracting Party in occupation of the whole or part of the territory of another High Contracting Party shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property.

(2) Should it prove necessary to take measures to preserve cultural property situated in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the Occupying Power shall, as far as possible, and in close co-operation with such authorities, take the most necessary measures of preservation.

(3) Any High Contracting Party whose government is considered their legitimate government by members of a resistance movement, shall, if possible, draw their attention to the obligation to comply with those provisions of the Convention dealing with respect for cultural property.

Distinctive marking of cultural property

Article 6 In accordance with the provisions of Article 16, cultural property may bear a distinctive emblem so as to facilitate its recognition.

Military measures

Article 7 (1) The High Contracting Parties undertake to introduce in time of peace into their military regulations or instructions such provisions as may ensure observance of the present Convention, and to foster in the members of their armed forces a spirit of respect for the culture and cultural property of all peoples.

(2) The High Contracting Parties undertake to plan or establish in peace-time, within their armed forces, services or specialist personnel whose purpose will be to secure respect for cultural property and to co-operate with the civilian authorities responsible for safeguarding it.

CHAPTER II. U.K.

SPECIAL PROTECTION

Granting of special protection

Article 8 (1) There may be placed under special protection a limited number of refuges intended to shelter movable cultural property in the event of armed conflict, of centers containing monuments and other immovable cultural property of very great importance, provided that they:

(a) are situated at an adequate distance from any large industrial center or from any important military objective constituting a vulnerable point, such as, for example, an aerodrome, broadcasting station, establishment engaged upon work of national defense, a port or railway station of relative importance or a main line of communication;

(b) are not used for military purposes.

(2) A refuge for movable cultural property may also be placed under special protection, whatever its location, if it is so constructed that, in all probability, it will not be damaged by bombs.

(3) A center containing monuments shall be deemed to be used for military purposes whenever it is used for the movement of military personnel or material, even in transit. The same shall apply whenever activities directly connected with military operations, the stationing of military personnel, or the production of war material are carried on within the center.

(4) The guarding of cultural property mentioned in paragraph I above by armed custodians specially empowered to do so, or the presence, in the vicinity of such cultural property, of police forces normally responsible for the maintenance of public order shall not be deemed to be used for military purposes.

(5) If any cultural property mentioned in paragraph 1 of the present Article is situated near an important military objective as defined in the said paragraph, it may nevertheless be placed under special protection if the High Contracting Party asking for that protection undertakes, in the event of armed conflict, to make no use of the objective and particularly, in the case of a port, railway station or aerodrome, to divert all traffic therefrom. In that event, such diversion shall be prepared in time of peace.

(6) Special protection is granted to cultural property by its entry in the 'International Register of Cultural Property under Special Protection'. This entry shall only be made, in accordance with the provisions of the present Convention and under the conditions provided for in the Regulations for the execution of the Convention.

Immunity of cultural property under special protection

Article 9 The High Contracting Parties undertake to ensure the immunity of cultural property under special protection by refraining, from the time of entry in the International Register, from any act of hostility directed against such property and, except for the cases provided for in paragraph 5 of Article 8, from any use of such property or its surroundings for military purposes.

Identification and control

Article 10 During an armed conflict, cultural property under special protection shall be marked with the distinctive emblem described in Article 16, and shall be open to international control as provided for in the Regulations for the execution of the Convention.

Withdrawal of immunity

Article 11 (1) If one of the High Contracting Parties commits, in respect of any item of cultural property under special protection, a violation of the obligations under Article 9, the opposing Party shall, so long as this violation persists, be released from the obligation to ensure the immunity of the property concerned. Nevertheless, whenever possible, the latter Party shall first request the cessation of such violation within a reasonable time.

(2) Apart from the case provided for in paragraph 1 of the present Article, immunity shall be withdrawn from cultural property under special protection only in exceptional cases of unavoidable military necessity, and only for such time as that necessity continues. Such necessity can be established only by the officer commanding a force the equivalent of a division in size or larger. Whenever circumstances permit, the opposing Party shall be notified, a reasonable time in advance, of the decision to withdraw immunity.

(3) The Party withdrawing immunity shall, as soon as possible, so inform the Commissioner-General for cultural property provided for in the Regulations for the execution of the Convention, in writing, stating the reasons.

CHAPTER III. U.K.

TRANSPORT OF CULTURAL PROPERTY

Transport under special protection

Article 12 (1) Transport exclusively engaged in the transfer of cultural property, whether within a territory or to another territory, may, at the request of the High Contracting Party concerned, take place under special protection in accordance with the conditions specified in the Regulations for the execution of the Convention.

(2) Transport under special protection shall take place under the international supervision provided for in the aforesaid Regulations and shall display the distinctive emblem described in Article 16.

(3) The High Contracting Parties shall refrain from any act of hostility directed against transport under special protection.

Transport in urgent cases

Article 13 (1) If a High Contracting Party considers that the safety of certain cultural property requires its transfer and that the matter is of such urgency that the procedure laid down in Article 12 cannot be followed, especially at the beginning of an armed conflict, the transport may display the distinctive emblem described in Article 16, provided that an application for immunity referred to in Article 12 has not already been made and refused. As far as possible, notification of transfer should be made

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

to the opposing Parties. Nevertheless, transport conveying cultural property to the territory of another country may not display the distinctive emblem unless immunity has been expressly granted to it.

(2) The High Contracting Parties shall take, so far as possible, the necessary precautions to avoid acts of hostility directed against the transport described in paragraph 1 of the present Article and displaying the distinctive emblem.

Immunity from seizure, capture and prize

Article 14

(1) Immunity from seizure, placing in prize, or capture shall be granted to:

(a) cultural property enjoying the protection provided for in Article 12 or that provided for in Article 13;

(b) the means of transport exclusively engaged in the transfer of such cultural property.

(2) Nothing in the present Article shall limit the right of visit and search.

CHAPTER IV. U.K.

PERSONNEL

Personnel

Article 15

As far as is consistent with the interests of security, personnel engaged in the protection of cultural property shall, in the interests of such property, be respected and, if they fall into the hands of the opposing Party, shall be allowed to continue to carry out their duties whenever the cultural property for which they are responsible has also fallen into the hands of the opposing Party.

CHAPTER V. U.K.

THE DISTINCTIVE EMBLEM

Emblem of the convention

Article 16

(1) The distinctive emblem of the Convention shall take the form of a shield, pointed below, persaltire blue and white (a shield consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle).

(2) The emblem shall be used alone, or repeated three times in a triangular formation (one shield below), under the conditions provided for in Article 17.

Use of the emblem

Article 17

(1) The distinctive emblem repeated three times may be used only as a means of identification of:

(a) immovable cultural property under special protection;

(b) the transport of cultural property under the conditions provided for in Articles 12 and 13;

(c) improvised refuges, under the conditions provided for in the Regulations for the execution of the Convention.

(2) The distinctive emblem may be used alone only as a means of identification of:

(a) cultural property not under special protection;

(b) the persons responsible for the duties of control in accordance with the Regulations for the execution of the Convention;

(c) the personnel engaged in the protection of cultural property;

(d) the identity cards mentioned in the Regulations for the execution of the Convention.

(3) During an armed conflict, the use of the distinctive emblem in any other cases than those mentioned in the preceding paragraphs of the present Article, and the use for any purpose whatever of a sign resembling the distinctive emblem, shall be forbidden.

(4) The distinctive emblem may not be placed on any immovable cultural property unless at the same time there is displayed an authorization duly dated and signed by the competent authority of the High Contracting Party.

CHAPTER VI. U.K.

SCOPE OF APPLICATION OF THE CONVENTION

Application of the Convention

Article 18

(1) Apart from the provisions which shall take effect in time of peace, the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one or more of them.

(2) The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

(3) If one of the Powers in conflict is not a Party to the present Convention, the Powers which are Parties thereto shall nevertheless remain bound by it in their mutual relations. They shall furthermore be bound by the Convention, in relation to the said Power, if the latter has declared that it accepts the provisions thereof and so long as it applies them.

Conflicts not of an international character

Article 19

(1) In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the provisions of the present Convention which relate to respect for cultural property.

(2) The parties to the conflict shall endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

(3) The United Nations Educational, Scientific and Cultural Organization may offer its services to the parties to the conflict.

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

(4) The application of the preceding provisions shall not affect the legal status of the parties to the conflict.

CHAPTER VII. U.K.

EXECUTION OF THE CONVENTION

Regulations for the execution of the Convention

Article 20 The procedure by which the present Convention is to be applied is defined in the Regulations for its execution, which constitute an integral part thereof.

Protecting powers

Article 21 The present Convention and the Regulations for its execution shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Conciliation procedure

Article 22 (1) The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of the present Convention or the Regulations for its execution.

(2) For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General of the United Nations Educational, Scientific and Cultural Organization, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate on suitably chosen neutral territory. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them.

The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a neutral Power or a person presented by the Director General of the United Nations Educational, Scientific and Cultural Organization, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Assistance of UNESCO

Article 23 (1) The High Contracting Parties may call upon the United Nations Educational, Scientific and Cultural Organization for technical assistance in organizing the protection of their cultural property, or in connexion with any other problem arising out of the application of the present Convention or the Regulations for its execution. The Organization shall accord such assistance within the limits fixed by its programme and by its resources.

(2) The Organization is authorized to make, on its own initiative, proposals on this matter to the High Contracting Parties.

Special agreements

Article 24

(1) The High Contracting Parties may conclude special agreements for all matters concerning which they deem it suitable to make separate provision.

(2) No special agreement may be concluded which would diminish the protection afforded by the present Convention to cultural property and to the personnel engaged in its protection.

Dissemination of the Convention

Article 25

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate the text of the present Convention and the Regulations for its execution as widely as possible in their respective countries. They undertake, in particular, to include the study thereof in their programmes of military and, if possible, civilian training, so that its principles are made known to the whole population, especially the armed forces and personnel engaged in the protection of cultural property.

Translations reports

Article 26

(1) The High Contracting Parties shall communicate to one another, through the Director-General of the United Nations Educational, Scientific and Cultural Organization, the official translations of the present Convention and of the Regulations for its execution.

(2) Furthermore, at least once every four years, they shall forward to the Director-General a report giving whatever information they think suitable concerning any measures being taken, prepared or contemplated by their respective administrations in fulfilment of the present Convention and of the Regulations for its execution.

Meetings

Article 27

(1) The Director-General of the United Nations Educational, Scientific and Cultural Organization may, with the approval of the Executive Board, convene meetings of representatives of the High Contracting Parties. He must convene such a meeting if at least one-fifth of the High Contracting Parties so request.

(2) Without prejudice to any other functions which have been conferred on it by the present Convention or the Regulations for its execution, the purpose of the meeting will be to study problems concerning the application of the Convention and of the Regulations for its execution, and to formulate recommendations in respect thereof.

(3) The meeting may further undertake a revision of the Convention or the Regulations for its execution if the majority of the High Contracting Parties are represented, and in accordance with the provisions of Article 39.

Sanctions

Article 28

The High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

Final provisions

Languages

Article 29

(1) The present Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

(2) The United Nations Educational, Scientific and Cultural Organization shall arrange for translations of the Convention into the other official languages of its General Conference.

Signature

Article 30

The present Convention shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.

Ratification

Article 31

(1) The present Convention shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

(2) The instruments of ratification shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Accession

Article 32

From the date of its entry into force, the present Convention shall be open for accession by all States mentioned in Article 30 which have not signed it, as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Entry into force

Article 33

(1) The present Convention shall enter into force three months after five instruments of ratification have been deposited.

(2) Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.

(3) The situations referred to in Articles 18 and 19 shall give immediate effect to ratifications or accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications referred to in Article 38 by the speediest method.

Effective application

Article 34

(1) Each State Party to the Convention on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.

(2) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Convention.

Territorial extension of the Convention

Article 35 Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, that the present Convention shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

Relation to previous conventions

Article 36 (1) In the relations between Powers which are bound by the Conventions of The Hague concerning the Laws and Customs of War on Land (IV) and concerning Naval Bombardment in Time of War (IX), whether those of 29 July, 1899 or those of 18 October, 1907, and which are Parties to the present Convention, this last Convention shall be supplementary to the aforementioned Convention (IX) and to the Regulations annexed to the aforementioned Convention (IV) and shall substitute for the emblem described in Article 5 of the aforementioned Convention (IX) the emblem described in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

(2) In the relations between Powers which are bound by the Washington Pact of 15 April, 1935 for the Protection of Artistic and Scientific Institutions and of Historic Monuments (Roerich Pact) and which are Parties to the present Convention, the latter Convention shall be supplementary to the Roerich Pact and shall substitute for the distinguishing flag described in Article III of the Pact the emblem defined in Article 16 of the present Convention, in cases in which the present Convention and the Regulations for its execution provide for the use of this distinctive emblem.

Denunciation

Article 37 (1) Each High Contracting Party may denounce the present Convention, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

(2) The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(3) The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Notifications

Article 38 The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in Articles 30 and 32, as well as

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in Articles 31, 32 and 39 and of the notifications and denunciations provided for respectively in Articles 35, 37 and 39.

Revision of the Convention and of the Regulations for its execution

Article 39

(1) Any High Contracting Party may propose amendments to the present Convention or the Regulations for its execution. The text of any proposed amendment shall be communicated to the Director-General of the United Nations Educational, Scientific and Cultural Organization who shall transmit it to each High Contracting Party with the request that such Party reply within four months stating whether it:

(a) desires that a Conference be convened to consider the proposed amendment;

(b) favours the acceptance of the proposed amendment without a Conference; or

(c) favours the rejection of the proposed amendment without a Conference.

(2) The Director-General shall transmit the replies, received under paragraph 1 of the present Article, to all High Contracting Parties.

(3) If all the High Contracting Parties which have, within the prescribed time-limit, stated their views to the Director-General of the United Nations Educational, Scientific and Cultural Organization, pursuant to paragraph 1(b) of this Article, inform him that they favour acceptance of the amendment without a Conference, notification of their decision shall be made by the Director-General in accordance with Article 38. The amendment shall become effective for all the High Contracting Parties on the expiry of ninety days from the date of such notification.

(4) The Director-General shall convene a Conference of the High Contracting Parties to consider the proposed amendment if requested to do so by more than one-third of the High Contracting Parties.

(5) Amendments to the Convention or to the Regulations for its execution, dealt with under the provisions of the preceding paragraph, shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.

(6) Acceptance by the High Contracting Parties of amendments to, the Convention or to the Regulations for its execution, which have been adopted by the Conference mentioned in paragraphs 4 and 5, shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(7) After the entry into force of amendments to the present Convention or to the Regulations for its execution, only the text of the Convention or of the Regulations for its execution thus amended shall remain open for ratification or accession.

Registration

Article 40

In accordance with Article 102 of the Charter of the United Nations, the present Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

SCHEDULE 2 U.K.

Section 1(2)

REGULATIONS FOR THE EXECUTION OF THE CONVENTION

Commencement Information

I30 Sch. 2 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

CHAPTER I. U.K.

CONTROL

International list of persons

Article 1 On the entry into force of the Convention, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall compile an international list consisting of all persons nominated by the High Contracting Parties as qualified to carry out the functions of Commissioner-General for Cultural Property. On the initiative of the Director-General of the United Nations Educational, Scientific and Cultural Organization, this list shall be periodically revised on the basis of requests formulated by the High Contracting Parties.

Organization of control

Article 2 As soon as any High Contracting Party is engaged in an armed conflict to which Article 18 of the Convention applies:

(a) It shall appoint a representative for cultural property situated in its territory; if it is in occupation of another territory, it shall appoint a special representative for cultural property situated in that territory;

(b) The Protecting Power acting for each of the Parties in conflict with such High Contracting Party shall appoint delegates accredited to the latter in conformity with Article 3 below;

(c) A Commissioner-General for Cultural Property shall be appointed to such High Contracting Party in accordance with Article 4.

Appointment of delegates of Protecting Powers

Article 3 The Protecting Power shall appoint its delegates from among the members of its diplomatic or consular staff or, with the approval of the Party to which they will be accredited, from among other persons.

Appointment of Commissioner-General

Article 4 (1) The Commissioner-General for Cultural Property shall be chosen from the international list of persons by joint agreement between the Party to which he will be accredited and the Protecting Powers acting on behalf of the opposing Parties.

(2) Should the Parties fail to reach agreement within three weeks from the beginning of their discussions on this point, they shall request the President of the International

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

Court of Justice to appoint the Commissioner-General, who shall not take up his duties until the Party to which he is accredited has approved his appointment.

Functions of delegates

Article 5 The delegates of the Protecting Powers shall take note of violations of the Convention, investigate, with the approval of the Party to which they are accredited, the circumstances in which they have occurred, make representations locally to secure their cessation and, if necessary, notify the Commissioner-General of such violations. They shall keep him informed of their activities.

Functions of the Commissioner-General

Article 6 (1) The Commissioner-General for Cultural Property shall deal with all matters referred to him in connexion with the application of the Convention, in conjunction with the representative of the Party to which he is accredited and with the delegates concerned.

(2) He shall have powers of decision and appointment in the cases specified in the present Regulations.

(3) With the agreement of the Party to which he is accredited, he shall have the right to order an investigation or to conduct it himself.

(4) He shall make any representations to the Parties to the conflict or to their Protecting Powers which he deems useful for the application of the Convention.

(5) He shall draw up such reports as may be necessary on the application of the Convention and communicate them to the Parties concerned and to their Protecting Powers. He shall send copies to the Director-General of the United Nations Educational, Scientific and Cultural Organization, who may make use only of their technical contents.

(6) If there is no Protecting Power, the Commissioner-General shall exercise the functions of the Protecting Power as laid down in Articles 21 and 22 of the Convention.

Inspectors and experts

Article 7 (1) Whenever the Commissioner-General for Cultural Property considers it necessary, either at the request of the delegates concerned or after consultation with them, he shall propose, for the approval of the Party to which he is accredited, an inspector of cultural property to be charged with a specific mission. An inspector shall be responsible only to the Commissioner-General.

(2) The Commissioner-General, delegates and inspectors may have recourse to the services of experts, who will also be proposed for the approval of the Party mentioned in the preceding paragraph.

Discharge of the mission of control

Article 8 The Commissioners-General for Cultural Property, delegates of the Protecting Powers, inspectors and experts shall in no case exceed their mandates. In particular, they shall take account of the security needs of the High Contracting Party to which they are accredited and shall in all circumstances act in accordance with

the requirements of the military situation as communicated to them by that High Contracting Party.

Substitutes for Protecting Powers

Article 9 If a Party to the conflict does not benefit or ceases to benefit from the activities of a Protecting Power, a neutral State may be asked to undertake those functions of a Protecting Power which concern the appointment of a Commissioner-General for Cultural Property in accordance with the procedure laid down in Article 4 above. The Commissioner-General thus appointed shall, if need be, entrust to inspectors the functions of delegates of Protecting Powers as specified in the present Regulations.

Expenses

Article 10 The remuneration and expenses of the Commissioner-General for Cultural Property, inspectors and experts shall be met by the Party to which they are accredited. Remuneration and expenses of delegates of the Protecting Powers shall be subject to agreement between those Powers and the States whose interests they are safeguarding.

CHAPTER II. U.K.

SPECIAL PROTECTION

Improvised refuges

Article 11 (1) If, during an armed conflict, any High Contracting Party is induced by unforeseen circumstances to set up an improvised refuge and desires that it should be placed under special protection, it shall communicate this fact forthwith to the Commissioner-General accredited to that Party.

(2) If the Commissioner-General considers that such a measure is justified by the circumstances and by the importance of the cultural property sheltered in this improvised refuge, he may authorize the High Contracting Party to display on such refuge the distinctive emblem defined in Article 16 of the Convention. He shall communicate his decision without delay to the delegates of the Protecting Powers who are concerned, each of whom may, within a time limit of 30 days, order the immediate withdrawal of the emblem.

(3) As soon as such delegates have signified their agreement or if the time limit of 30 days has passed without any of the delegates concerned having made an objection, and if, in the view of the Commissioner-General, the refuge fulfils the conditions laid down in Article 8 of the Convention, the Commissioner-General shall request the Director-General of the United Nations Educational, Scientific and Cultural Organization to enter the refuge in the Register of Cultural Property under Special Protection.

International Register of Cultural Property under Special Protection

Article 12 (1) An ‘International Register of Cultural Property under Special Protection’ shall be prepared.

(2) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall maintain this Register. He shall furnish copies to the Secretary-General of the United Nations and to the High Contracting Parties.

(3) The Register shall be divided into sections, each in the name of a High Contracting Party. Each section shall be subdivided into three paragraphs, headed: Refuges, Centers containing Monuments, Other Immovable Cultural Property. The Director-General shall determine what details each section shall contain.

Requests for registration

Article 13 (1) Any High Contracting Party may submit to the Director-General of the United Nations Educational, Scientific and Cultural Organization an application for the entry in the Register of certain refuges, centers containing monuments or other immovable cultural property situated within its territory. Such application shall contain a description of the location of such property and shall certify that the property complies with the provisions of Article 8 of the Convention.

(2) In the event of occupation, the Occupying Power shall be competent to make such application.

(3) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall, without delay, send copies of applications for registration to each of the High Contracting Parties.

Objections

Article 14 (1) Any High Contracting Party may, by letter addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization, lodge an objection to the registration of cultural property. This letter must be received by him within four months of the day on which he sent a copy of the application for registration.

(2) Such objection shall state the reasons giving rise to it, the only valid grounds being that:

(a) the property is not cultural property;

(b) the property does not comply with the conditions mentioned in Article 8 of the Convention.

(3) The Director-General shall send a copy of the letter of objection to the High Contracting Parties without delay. He shall, if necessary, seek the advice of the International Committee on Monuments, Artistic and Historical Sites and Archaeological Excavations and also, if he thinks fit, of any other competent organization or person.

(4) The Director-General, or the High Contracting Party requesting registration, may make whatever representations they deem necessary to the High Contracting Parties which lodged the objection, with a view to causing the objection to be withdrawn.

(5) If a High Contracting Party which has made an application for registration in time of peace becomes involved in an armed conflict before the entry has been made, the cultural property concerned shall at once be provisionally entered in the Register, by the Director-General, pending the confirmation, withdrawal or cancellation of any objection that may be, or may have been, made.

(6) If, within a period of six months from the date of receipt of the letter of objection, the Director-General has not received from the High Contracting Party lodging the objection a communication stating that it has been withdrawn, the High Contracting Party applying for registration may request arbitration in accordance with the procedure in the following paragraph.

(7) The request for arbitration shall not be made more than one year after the date of receipt by the Director-General of the letter of objection. Each of the two Parties to the dispute shall appoint an arbitrator. When more than one objection has been lodged against an application for registration, the High Contracting Parties which have lodged the objections shall, by common consent, appoint a single arbitrator. These two arbitrators shall select a chief arbitrator from the international list mentioned in Article 1 of the present Regulations. If such arbitrators cannot agree upon their choice, they shall ask the President of the International Court of Justice to appoint a chief arbitrator who need not necessarily be chosen from the international list. The arbitral tribunal thus constituted shall fix its own procedure. There shall be no appeal from its decisions.

(8) Each of the High Contracting Parties may declare, whenever a dispute to which it is a Party arises, that it does not wish to apply the arbitration procedure provided for in the preceding paragraph. In such cases, the objection to an application for registration shall be submitted by the Director-General to the High Contracting Parties. The objection will be confirmed only if the High Contracting Parties so decide by a two-third majority of the High Contracting Parties voting. The vote shall be taken by correspondence, unless the Director-General of the United Nations Educational, Scientific and Cultural Organization deems it essential to convene a meeting under the powers conferred upon him by Article 27 of the Convention. If the Director-General decides to proceed with the vote by correspondence, he shall invite the High Contracting Parties to transmit their votes by sealed letter within six months from the day on which they were invited to do so.

Registration

Article 15

(1) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause to be entered in the Register, under a serial number, each item of property for which application for registration is made, provided that he has not received an objection within the time-limit prescribed in paragraph 1 of Article 14.

(2) If an objection has been lodged, and without prejudice to the provision of paragraph 5 of Article 14, the Director-General shall enter property in the Register only if the objection has been withdrawn or has failed to be confirmed following the procedures laid down in either paragraph 7 or paragraph 8 of Article 14.

(3) Whenever paragraph 3 of Article 11 applies, the Director-General shall enter property in the Register if so requested by the Commissioner-General for Cultural Property.

(4) The Director-General shall send without delay to the Secretary-General of the United Nations, to the High Contracting Parties, and, at the request of the Party applying for registration, to all other States referred to in Articles 30 and 32 of the Convention, a certified copy of each entry in the Register. Entries shall become effective thirty days after despatch of such copies.

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

Cancellation

Article 16

(1) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall cause the registration of any property to be cancelled:

(a) at the request of the High Contracting Party within whose territory the cultural property is situated;

(b) if the High Contracting Party which requested registration has denounced the Convention, and when that denunciation has taken effect;

(c) in the special case provided for in Article 14, paragraph 5, when an objection has been confirmed following the procedures mentioned either in paragraph 7 or in paragraph 8 or Article 14.

(2) The Director-General shall send without delay, to the Secretary-General of the United Nations and to all States which received a copy of the entry in the Register, a certified copy of its cancellation. Cancellation shall take effect thirty days after the despatch of such copies.

CHAPTER III. U.K.

TRANSPORT OF CULTURAL PROPERTY

Procedure to obtain immunity

Article 17

(1) The request mentioned in paragraph I of Article 12 of the Convention shall be addressed to the Commissioner-General for Cultural Property. It shall mention the reasons on which it is based and specify the approximate number and the importance of the objects to be transferred, their present location, the location now envisaged, the means of transport to be used, the route to be followed, the date proposed for the transfer, and any other relevant information.

(2) If the Commissioner-General, after taking such opinions as he deems fit, considers that such transfer is justified, he shall consult those delegates of the Protecting Powers who are concerned, on the measures proposed for carrying it out. Following such consultation, he shall notify the Parties to the conflict concerned of the transfer, including in such notification all useful information.

(3) The Commissioner-General shall appoint one or more inspectors, who shall satisfy themselves that only the property stated in the request is to be transferred and that the transport is to be by the approved methods and bears the distinctive emblem. The inspector or inspectors shall accompany the property to its destination.

Transport abroad

Article 18

Where the transfer under special protection is to the territory of another country, it shall be governed not only by Article 12 of the Convention and by Article 17 of the present Regulations, but by the following further provisions:

(a) while the cultural property remains on the territory of another State, that State shall be its depositary and shall extend to it as great a measure of care as that which it bestows upon its own cultural property of comparable importance;

(b) the depositary State shall return the property only on the cessation of the conflict; such return shall be effected within six months from the date on which it was requested;

(c) during the various transfer operations, and while it remains on the territory of another State, the cultural property shall be exempt from confiscation and may not be disposed of either by the depositor or by the depositary. Nevertheless, when the safety of the property requires it, the depositary may, with the assent of the depositor, have the property transported to the territory of a third country, under the conditions laid down in the present article;

(d) the request for special protection shall indicate that the State to whose territory the property is to be transferred accepts the provisions of the present Article.

Occupied territory

Article 19 Whenever a High Contracting Party occupying territory of another High Contracting Party transfers cultural property to a refuge situated elsewhere in that territory, without being able to follow the procedure provided for in Article 17 of the Regulations, the transfer in question shall not be regarded as misappropriation within the meaning of Article 4 of the Convention, provided that the Commissioner-General for Cultural Property certifies in writing, after having consulted the usual custodians, that such transfer was rendered necessary by circumstances.

CHAPTER IV. U.K.

THE DISTINCTIVE EMBLEM

Affixing of the emblem

Article 20 (1) The placing of the distinctive emblem and its degree of visibility shall be left to the discretion of the competent authorities of each High Contracting Party. It may be displayed on flags or armlets; it may be painted on an object or represented in any other appropriate form.

(2) However, without prejudice to any possible fuller markings, the emblem shall, in the event of armed conflict and in the cases mentioned in Articles 12 and 13 of the Convention, be placed on the vehicles of transport so as to be clearly visible in daylight from the air as well as from the ground. The emblem shall be visible from the ground:

(a) at regular intervals sufficient to indicate clearly the perimeter of a centre containing monuments under special protection;

(b) at the entrance to other immovable cultural property under special protection.

Identification of persons

Article 21 (1) The persons mentioned in Article 17, paragraph 2(b) and (c) of the Convention may wear an armlet bearing the distinctive emblem, issued and stamped by the competent authorities.

(2) Such persons shall carry a special identity card bearing the distinctive emblem. This card shall mention at least the surname and first names, the date of birth, the title or

rank, and the function of the holder. The card shall bear the photograph of the holder as well as his signature or his fingerprints, or both. It shall bear the embossed stamp of the competent authorities.

(3) Each High Contracting Party shall make out its own type of identity card, guided by the model annexed, by way of example, to the present Regulations. The High Contracting Parties shall transmit to each other a specimen of the model they are using. Identity cards shall be made out, if possible, at least in duplicate, one copy being kept by the issuing Power.

(4) The said persons may not, without legitimate reason, be deprived of their identity card or of the right to wear the armlet.

SCHEDULE 3 U.K.

Section 1(2)

FIRST PROTOCOL

Commencement Information

I31 Sch. 3 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

The High Contracting Parties are agreed as follows:

I (1) Each High Contracting Party undertakes to prevent the exportation, from a territory occupied by it during an armed conflict, of cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954.

(2) Each High Contracting Party undertakes to take into its custody cultural property imported into its territory either directly or indirectly from any occupied territory. This shall either be effected automatically upon the importation of the property or, failing this, at the request of the authorities of that territory.

(3) Each High Contracting Party undertakes to return, at the close of hostilities, to the competent authorities of the territory previously occupied, cultural property which is in its territory, if such property has been exported in contravention of the principle laid down in the first paragraph. Such property shall never be retained as war reparations.

(4) The High Contracting Party whose obligation it was to prevent the exportation of cultural property from the territory occupied by it, shall pay an indemnity to the holders in good faith of any cultural property which has to be returned in accordance with the preceding paragraph.

II (5) Cultural property coming from the territory of a High Contracting Party and deposited by it in the territory of another High Contracting Party for the purpose of protecting such property against the dangers of an armed conflict, shall be returned by the latter, at the end of hostilities, to the competent authorities of the territory from which it came.

III (6) The present Protocol shall bear the date of 14 May, 1954 and, until the date of 31 December, 1954, shall remain open for signature by all States invited to the Conference which met at The Hague from 21 April, 1954 to 14 May, 1954.

(7) (a) The present Protocol shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

(b) The instruments of ratification shall be deposited with the Director General of the United Nations Educational, Scientific and Cultural Organization.

(8) From the date of its entry into force, the present Protocol shall be open for accession by all States mentioned in paragraph 6 which have not signed it as well as any other State invited to accede by the Executive Board of the United Nations Educational, Scientific and Cultural Organization. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(9) The States referred to in paragraphs 6 and 8 may declare, at the time of signature, ratification or accession, that they will not be bound by the provisions of Section I or by those of Section II of the present Protocol.

(10) (a) The present Protocol shall enter into force three months after five instruments of ratification have been deposited.

(b) Thereafter, it shall enter into force, for each High Contracting Party, three months after the deposit of its instrument of ratification or accession.

(c) The situations referred to in Articles 18 and 19 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed at The Hague on 14 May, 1954, shall give immediate effect to ratifications and accessions deposited by the Parties to the conflict either before or after the beginning of hostilities or occupation. In such cases, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall transmit the communications' referred to in paragraph 14 by the speediest method.

(11) (a) Each State Party to the Protocol on the date of its entry into force shall take all necessary measures to ensure its effective application within a period of six months after such entry into force.

(b) This period shall be six months from the date of deposit of the instruments of ratification or accession for any State which deposits its instrument of ratification or accession after the date of the entry into force of the Protocol.

(12) Any High Contracting Party may, at the time of ratification or accession, or at any time thereafter, declare by notification addressed to the Director General of the United Nations Educational, Scientific and Cultural Organization, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible. The said notification shall take effect three months after the date of its receipt.

(13) (a) Each High Contracting Party may denounce the present Protocol, on its own behalf, or on behalf of any territory for whose international relations it is responsible.

(b) The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(c) The denunciation shall take effect one year after receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until

the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

(14) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States referred to in paragraphs 6 and 8, as well as the United Nations, of the deposit of all the instruments of ratification, accession or acceptance provided for in paragraphs 7, 8 and 15 and the notifications and denunciations provided for respectively in paragraphs 12 and 13.

(15) (a) The present Protocol may be revised if revision is requested by more than one-third of the High Contracting Parties.

(b) The Director-General of the United Nations Educational, Scientific and Cultural Organization shall convene a Conference for this purpose.

(c) Amendments to the present Protocol shall enter into force only after they have been unanimously adopted by the High Contracting Parties represented at the Conference and accepted by each of the High Contracting Parties.

(d) Acceptance by the High Contracting Parties of amendments to the present Protocol, which have been adopted by the Conference mentioned in sub-paragraphs (b) and (c), shall be effected by the deposit of a formal instrument with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

(e) After the entry into force of amendments to the present Protocol, only the text of the said Protocol thus amended shall remain open for ratification or accession.

In accordance with Article 102 of the Charter of the United Nations, the present Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

SCHEDULE 4 U.K.

Section 1(2)

SECOND PROTOCOL

Commencement Information

I32 Sch. 4 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

The Parties,

Conscious of the need to improve the protection of cultural property in the event of armed conflict and to establish an enhanced system of protection for specifically designated cultural property;

Reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954, and emphasizing the necessity to supplement these provisions through measures to reinforce their implementation;

Desiring to provide the High Contracting Parties to the Convention with a means of being more closely involved in the protection of cultural property in the event of armed conflict by establishing appropriate procedures therefor;

Considering that the rules governing the protection of cultural property in the event of armed conflict should reflect developments in international law;

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of this Protocol;

Have agreed as follows:

The Parties,

Conscious of the need to improve the protection of cultural property in the event of armed conflict and to establish an enhanced system of protection for specifically designated cultural property;

Reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954, and emphasizing the necessity to supplement these provisions through measures to reinforce their implementation;

Desiring to provide the High Contracting Parties to the Convention with a means of being more closely involved in the protection of cultural property in the event of armed conflict by establishing appropriate procedures therefor;

Considering that the rules governing the protection of cultural property in the event of armed conflict should reflect developments in international law;

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of this Protocol;

Have agreed as follows:

CHAPTER 1 U.K.

INTRODUCTION

Definitions

Article 1 For the purposes of this Protocol:

(a) "Party" means a State Party to this Protocol;

(b) "cultural property" means cultural property as defined in Article 1 of the Convention;

(c) "Convention" means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954;

(d) "High Contracting Party" means a State Party to the Convention;

(e) "enhanced protection" means the system of enhanced protection established by Articles 10 and 11;

(f) "military objective" means an object which by its nature, location, purpose, or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage;

(g) "illicit" means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law;

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

(h) "List" means the International List of Cultural Property under Enhanced Protection established in accordance with Article 27, sub-paragraph 1(b);

(i) "Director-General" means the Director-General of UNESCO;

(j) "UNESCO" means the United Nations Educational, Scientific and Cultural Organization;

(k) "First Protocol" means the Protocol for the Protection of Cultural Property in the Event of Armed Conflict done at The Hague on 14 May 1954.

Relation to the Convention

Article 2 This Protocol supplements the Convention in relations between the Parties.

Scope of application

Article 3 (1) In addition to the provisions which shall apply in time of peace, this Protocol shall apply in situations referred to in Article 18 paragraphs 1 and 2 of the Convention and in Article 22 paragraph 1.

(2) When one of the parties to an armed conflict is not bound by this Protocol, the Parties to this Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to a State party to the conflict which is not bound by it, if the latter accepts the provisions of this Protocol and so long as it applies them.

Relationship between Chapter 3 and other provisions of the Convention and this Protocol

Article 4 The application of the provisions of Chapter 3 of this Protocol is without prejudice to:

(a) the application of the provisions of Chapter I of the Convention and of Chapter 2 of this Protocol;

(b) the application of the provisions of Chapter II of the Convention save that, as between Parties to this Protocol or as between a Party and a State which accepts and applies this Protocol in accordance with Article 3 paragraph 2, where cultural property has been granted both special protection and enhanced protection, only the provisions of enhanced protection shall apply.

CHAPTER 2 U.K.

GENERAL PROVISIONS REGARDING PROTECTION

Safeguarding of cultural property

Article 5 Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.

Respect for cultural property

Article 6 With the goal of ensuring respect for cultural property in accordance with Article 4 of the Convention:

(a) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to direct an act of hostility against cultural property when and for as long as:

(i) that cultural property has, by its function, been made into a military objective; and

(ii) there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective;

(b) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to use cultural property for purposes which are likely to expose it to destruction or damage when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage;

(c) the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise;

(d) in case of an attack based on a decision taken in accordance with sub-paragraph (a), an effective advance warning shall be given whenever circumstances permit.

Precautions in attack

Article 7 Without prejudice to other precautions required by international humanitarian law in the conduct of military operations, each Party to the conflict shall:

(a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention;

(b) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental damage to cultural property protected under Article 4 of the Convention;

(c) refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated; and

(d) cancel or suspend an attack if it becomes apparent:

(i) that the objective is cultural property protected under Article 4 of the Convention;

(ii) that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

Precautions against the effects of hostilities

Article 8 The Parties to the conflict shall, to the maximum extent feasible:

(a) remove movable cultural property from the vicinity of military objectives or provide for adequate in situ protection;

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

(b) avoid locating military objectives near cultural property.

Protection of cultural property in occupied territory

Article 9 (1) Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:

(a) any illicit export, other removal or transfer of ownership of cultural property;

(b) any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property;

(c) any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

(2) Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in close co-operation with the competent national authorities of the occupied territory.

CHAPTER 3 U.K.

ENHANCED PROTECTION

Enhanced protection

Article 10 Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

(a) it is cultural heritage of the greatest importance for humanity;

(b) it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection;

(c) it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

The granting of enhanced protection

Article 11 (1) Each Party should submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection.

(2) The Party which has jurisdiction or control over the cultural property may request that it be included in the List to be established in accordance with Article 27 sub-paragraph 1(b). This request shall include all necessary information related to the criteria mentioned in Article 10. The Committee may invite a Party to request that cultural property be included in the List.

(3) Other Parties, the International Committee of the Blue Shield and other non-governmental organisations with relevant expertise may recommend specific cultural property to the Committee. In such cases, the Committee may decide to invite a Party to request inclusion of that cultural property in the List.

(4) Neither the request for inclusion of cultural property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, nor its inclusion, shall in any way prejudice the rights of the parties to the dispute.

(5) Upon receipt of a request for inclusion in the List, the Committee shall inform all Parties of the request. Parties may submit representations regarding such a request to the Committee within sixty days. These representations shall be made only on the basis of the criteria mentioned in Article 10. They shall be specific and related to facts. The Committee shall consider the representations, providing the Party requesting inclusion with a reasonable opportunity to respond before taking the decision. When such representations are before the Committee, decisions for inclusion in the List shall be taken, notwithstanding Article 26, by a majority of four-fifths of its members present and voting.

(6) In deciding upon a request, the Committee should ask the advice of governmental and non-governmental organisations, as well as of individual experts.

(7) A decision to grant or deny enhanced protection may only be made on the basis of the criteria mentioned in Article 10.

(8) In exceptional cases, when the Committee has concluded that the Party requesting inclusion of cultural property in the List cannot fulfil the criteria of Article 10 sub-paragraph (b), the Committee may decide to grant enhanced protection, provided that the requesting Party submits a request for international assistance under Article 32.

(9) Upon the outbreak of hostilities, a Party to the conflict may request, on an emergency basis, enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee. The Committee shall transmit this request immediately to all Parties to the conflict. In such cases the Committee will consider representations from the Parties concerned on an expedited basis. The decision to grant provisional enhanced protection shall be taken as soon as possible and, notwithstanding Article 26, by a majority of four-fifths of its members present and voting. Provisional enhanced protection may be granted by the Committee pending the outcome of the regular procedure for the granting of enhanced protection, provided that the provisions of Article 10 sub-paragraphs (a) and (c) are met.

(10) Enhanced protection shall be granted to cultural property by the Committee from the moment of its entry in the List.

(11) The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties notification of any decision of the Committee to include cultural property on the List.

Immunity of cultural property under enhanced protection

Article 12 The Parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack or from any use of the property or its immediate surroundings in support of military action.

Loss of enhanced protection

Article 13 (1) Cultural property under enhanced protection shall only lose such protection:

(a) if such protection is suspended or cancelled in accordance with Article 14; or

(b) if, and for as long as, the property has, by its use, become a military objective.

(2) In the circumstances of sub-paragraph 1(b), such property may only be the object of attack if:

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

(a) the attack is the only feasible means of terminating the use of the property referred to in sub-paragraph 1(b);

(b) all feasible precautions are taken in the choice of means and methods of attack, with a view to terminating such use and avoiding, or in any event minimising, damage to the cultural property;

(c) unless circumstances do not permit, due to requirements of immediate self-defence:

(i) the attack is ordered at the highest operational level of command;

(ii) effective advance warning is issued to the opposing forces requiring the termination of the use referred to in sub-paragraph 1(b); and

(iii) reasonable time is given to the opposing forces to redress the situation.

Suspension and cancellation of enhanced protection

Article 14

(1) Where cultural property no longer meets any one of the criteria in Article 10 of this Protocol, the Committee may suspend its enhanced protection status or cancel that status by removing that cultural property from the List.

(2) In the case of a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action, the Committee may suspend its enhanced protection status. Where such violations are continuous, the Committee may exceptionally cancel the enhanced protection status by removing the cultural property from the List.

(3) The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties to this Protocol notification of any decision of the Committee to suspend or cancel the enhanced protection of cultural property.

(4) Before taking such a decision, the Committee shall afford an opportunity to the Parties to make their views known.

CHAPTER 4 U.K.

CRIMINAL RESPONSIBILITY AND JURISDICTION

Serious violations of this Protocol

Article 15

(1) Any person commits an offence within the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts:

(a) making cultural property under enhanced protection the object of attack;

(b) using cultural property under enhanced protection or its immediate surroundings in support of military action;

(c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;

(d) making cultural property protected under the Convention and this Protocol the object of attack;

(e) theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.

(2) Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

Jurisdiction

Article 16

(1) Without prejudice to paragraph 2, each Party shall take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15 in the following cases:

(a) when such an offence is committed in the territory of that State;

(b) when the alleged offender is a national of that State;

(c) in the case of offences set forth in Article 15 sub-paragraphs (a) to (c), when the alleged offender is present in its territory.

(2) With respect to the exercise of jurisdiction and without prejudice to Article 28 of the Convention:

(a) this Protocol does not preclude the incurring of individual criminal responsibility or the exercise of jurisdiction under national and international law that may be applicable, or affect the exercise of jurisdiction under customary international law;

(b) except in so far as a State which is not Party to this Protocol may accept and apply its provisions in accordance with Article 3 paragraph 2, members of the armed forces and nationals of a State which is not Party to this Protocol, except for those nationals serving in the armed forces of a State which is a Party to this Protocol, do not incur individual criminal responsibility by virtue of this Protocol, nor does this Protocol impose an obligation to establish jurisdiction over such persons or to extradite them.

Prosecution

Article 17

(1) The Party in whose territory the alleged offender of an offence set forth in Article 15 sub-paragraphs 1 (a) to (c) is found to be present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities, for the purpose of prosecution, through proceedings in accordance with its domestic law or with, if applicable, the relevant rules of international law.

(2) Without prejudice to, if applicable, the relevant rules of international law, any person regarding whom proceedings are being carried out in connection with the Convention or this Protocol shall be guaranteed fair treatment and a fair trial in accordance with domestic law and international law at all stages of the proceedings, and in no cases shall be provided guarantees less favorable to such person than those provided by international law.

Extradition

Article 18

(1) The offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the

Parties before the entry into force of this Protocol. Parties undertake to include such offences in every extradition treaty to be subsequently concluded between them.

(2) When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, at its option, consider the present Protocol as the legal basis for extradition in respect of offences as set forth in Article 15 sub-paragraphs 1 (a) to (c).

(3) Parties which do not make extradition conditional on the existence of a treaty shall recognise the offences set forth in Article 15 sub-paragraphs 1 (a) to (c) as extraditable offences between them, subject to the conditions provided by the law of the requested Party.

(4) If necessary, offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with Article 16 paragraph 1.

Mutual legal assistance

Article 19

(1) Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 15, including assistance in obtaining evidence at their disposal necessary for the proceedings.

(2) Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, Parties shall afford one another assistance in accordance with their domestic law.

Grounds for refusal

Article 20

(1) For the purpose of extradition, offences set forth in Article 15 sub-paragraphs 1 (a) to (c), and for the purpose of mutual legal assistance, offences set forth in Article 15 shall not be regarded as political offences nor as offences connected with political offences nor as offences inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such offences may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

(2) Nothing in this Protocol shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested Party has substantial grounds for believing that the request for extradition for offences set forth in Article 15 sub-paragraphs 1 (a) to (c) or for mutual legal assistance with respect to offences set forth in Article 15 has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Measures regarding other violations

Article 21 Without prejudice to Article 28 of the Convention, each Party shall adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the following acts when committed intentionally:

(a) any use of cultural property in violation of the Convention or this Protocol;

(b) any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or this Protocol.

CHAPTER 5 U.K.

THE PROTECTION OF CULTURAL PROPERTY IN ARMED CONFLICTS NOT OF AN INTERNATIONAL CHARACTER

Armed conflicts not of an international character

Article 22 (1) This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.

(2) This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.

(3) Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

(4) Nothing in this Protocol shall prejudice the primary jurisdiction of a Party in whose territory an armed conflict not of an international character occurs over the violations set forth in Article 15.

(5) Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.

(6) The application of this Protocol to the situation referred to in paragraph 1 shall not affect the legal status of the parties to the conflict.

(7) UNESCO may offer its services to the parties to the conflict.

CHAPTER 6 U.K.

INSTITUTIONAL ISSUES

Meeting of the Parties

Article 23 (1) The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-General.

(2) The Meeting of the Parties shall adopt its Rules of Procedure.

(3) The Meeting of the Parties shall have the following functions:

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

(a) to elect the Members of the Committee, in accordance with Article 24 paragraph 1;
(b) to endorse the Guidelines developed by the Committee in accordance with Article 27 sub-paragraph 1(a);
(c) to provide guidelines for, and to supervise the use of the Fund by the Committee;
(d) to consider the report submitted by the Committee in accordance with Article 27 sub-paragraph 1(d);
(e) to discuss any problem related to the application of this Protocol, and to make recommendations, as appropriate.

(4) At the request of at least one-fifth of the Parties, the Director-General shall convene an Extraordinary Meeting of the Parties.

Committee for the Protection of Cultural Property in the Event of Armed Conflict

Article 24

(1) The Committee for the Protection of Cultural Property in the Event of Armed Conflict is hereby established. It shall be composed of twelve Parties which shall be elected by the Meeting of the Parties.

(2) The Committee shall meet once a year in ordinary session and in extra-ordinary sessions whenever it deems necessary.

(3) In determining membership of the Committee, Parties shall seek to ensure an equitable representation of the different regions and cultures of the world.

(4) Parties members of the Committee shall choose as their representatives persons qualified in the fields of cultural heritage, defence or international law, and they shall endeavour, in consultation with one another, to ensure that the Committee as a whole contains adequate expertise in all these fields.

Term of office

Article 25

(1) A Party shall be elected to the Committee for four years and shall be eligible for immediate re-election only once.

(2) Notwithstanding the provisions of paragraph 1, the term of office of half of the members chosen at the time of the first election shall cease at the end of the first ordinary session of the Meeting of the Parties following that at which they were elected. These members shall be chosen by lot by the President of this Meeting after the first election.

Rules of procedure

Article 26

(1) The Committee shall adopt its Rules of Procedure.

(2) A majority of the members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of two-thirds of its members voting.

(3) Members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

Functions

Article 27

(1) The Committee shall have the following functions:

(a) to develop Guidelines for the implementation of this Protocol;

(b) to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of Cultural Property under Enhanced Protection;

(c) to monitor and supervise the implementation of this Protocol and promote the identification of cultural property under enhanced protection;

(d) to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties;

(e) to receive and consider requests for international assistance under Article 32;

(f) to determine the use of the Fund;

(g) to perform any other function which may be assigned to it by the Meeting of the Parties.

(2) The functions of the Committee shall be performed in co-operation with the Director-General.

(3) The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

Secretariat

Article 28

The Committee shall be assisted by the Secretariat of UNESCO which shall prepare the Committee's documentation and the agenda for its meetings and shall have the responsibility for the implementation of its decisions.

The Fund for the Protection of Cultural Property in the Event of Armed Conflict

Article 29

(1) A Fund is hereby established for the following purposes:

(a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, inter alia, Article 5, Article 10 sub-paragraph (b) and Article 30; and

(b) to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, inter alia, Article 8 sub-paragraph (a).

(2) The Fund shall constitute a trust fund, in conformity with the provisions of the financial regulations of UNESCO.

(3) Disbursements from the Fund shall be used only for such purposes as the Committee shall decide in accordance with the guidelines as defined in Article 23 sub-paragraph

3(c). The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.

(4) The resources of the Fund shall consist of:

(a) voluntary contributions made by the Parties;

(b) contributions, gifts or bequests made by:

(i) other States;

(ii) UNESCO or other organizations of the United Nations system;

(iii) other intergovernmental or non-governmental organizations; and

(iv) public or private bodies or individuals;

(c) any interest accruing on the Fund;

(d) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(e) all other resources authorized by the guidelines applicable to the Fund.

CHAPTER 7 U.K.

DISSEMINATION OF INFORMATION AND INTERNATIONAL ASSISTANCE

Dissemination

Article 30 (1) The Parties shall endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population.

(2) The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.

(3) Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:

(a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;

(b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes;

(c) communicate to one another, through the Director-General, information on the laws, administrative provisions and measures taken under sub-paragraphs (a) and (b);

(d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.

International cooperation

Article 31 In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations.

International assistance

Article 32

(1) A Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10.

(2) A party to the conflict, which is not a Party to this Protocol but which accepts and applies provisions in accordance with Article 3, paragraph 2, may request appropriate international assistance from the Committee.

(3) The Committee shall adopt rules for the submission of requests for international assistance and shall define the forms the international assistance may take.

(4) Parties are encouraged to give technical assistance of all kinds, through the Committee, to those Parties or parties to the conflict who request it.

Assistance of UNESCO

Article 33

(1) A Party may call upon UNESCO for technical assistance in organizing the protection of its cultural property, such as preparatory action to safeguard cultural property, preventive and organizational measures for emergency situations and compilation of national inventories of cultural property, or in connection with any other problem arising out of the application of this Protocol. UNESCO shall accord such assistance within the limits fixed by its programme and by its resources.

(2) Parties are encouraged to provide technical assistance at bilateral or multilateral level.

(3) UNESCO is authorized to make, on its own initiative, proposals on these matters to the Parties.

CHAPTER 8 U.K.

EXECUTION OF THIS PROTOCOL

Protecting Powers

Article 34

This Protocol shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Conciliation procedure

Article 35

(1) The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of this Protocol.

(2) For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall

Changes to legislation: *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017. (See end of Document for details)*

propose for approval by the Parties to the conflict a person belonging to a State not party to the conflict or a person presented by the Director-General, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Conciliation in absence of Protecting Powers

Article 36 (1) In a conflict where no Protecting Powers are appointed the Director-General may lend good offices or act by any other form of conciliation or mediation, with a view to settling the disagreement.

(2) At the invitation of one Party or of the Director-General, the Chairman of the Committee may propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict.

Translations and reports

Article 37 (1) The Parties shall translate this Protocol into their official languages and shall communicate these official translations to the Director-General.

(2) The Parties shall submit to the Committee, every four years, a report on the implementation of this Protocol.

State responsibility

Article 38 No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.

CHAPTER 9 U.K.

FINAL CLAUSES

Languages

Article 39 This Protocol is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authentic.

Signature

Article 40 This Protocol shall bear the date of 26 March 1999. It shall be opened for signature by all High Contracting Parties at The Hague from 17 May 1999 until 31 December 1999.

Ratification, acceptance or approval

Article 41 (1) This Protocol shall be subject to ratification, acceptance or approval by High Contracting Parties which have signed this Protocol, in accordance with their respective constitutional procedures.

(2) The instruments of ratification, acceptance or approval shall be deposited with the Director-General.

Accession

Article 42

(1) This Protocol shall be open for accession by other High Contracting Parties from 1 January 2000.

(2) Accession shall be effected by the deposit of an instrument of accession with the Director-General.

Entry into force

Article 43

(1) This Protocol shall enter into force three months after twenty instruments of ratification, acceptance, approval or accession have been deposited.

(2) Thereafter, it shall enter into force, for each Party, three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Entry into force in situations of armed conflict

Article 44

The situations referred to in Articles 18 and 19 of the Convention shall give immediate effect to ratifications, acceptances or approvals of or accessions to this Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General shall transmit the communications referred to in Article 46 by the speediest method.

Denunciation

Article 45

(1) Each Party may denounce this Protocol.

(2) The denunciation shall be notified by an instrument in writing, deposited with the Director-General.

(3) The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Notifications

Article 46

The Director-General shall inform all High Contracting Parties as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 41 and 42 and of denunciations provided for Article 45.

Registration with the United Nations

Article 47

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General.

Changes to legislation:
There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017.