



# Cultural Property (Armed Conflicts) Act 2017

## 2017 CHAPTER 6

### PART 4

#### PROPERTY EXPORTED FROM OCCUPIED TERRITORY

##### *Definitions*

#### **16 “Unlawfully exported cultural property” etc**

- (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

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

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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.

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**Commencement Information**

**II** [S. 16](#) in force at 12.12.2017 by [S.I. 2017/1087](#), [reg. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017, Cross Heading: Definitions.