
STATUTORY INSTRUMENTS

1997 No. 1753

UNITED NATIONS

The United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Dependent Territories) Order 1997

<i>Made</i>	- - - -	<i>22nd July 1997</i>
<i>Laid before Parliament</i>		<i>1st August 1997</i>
<i>Coming into force</i>	- -	<i>1st September 1997</i>

At the Court at Buckingham Palace, the 22nd day of July 1997

Present,

The Queen's Most Excellent Majesty in Council

Whereas under Article 41 of the Charter of the United Nations the Security Council of the United Nations has, by resolutions adopted on 25th May 1993 and on 8th November 1994, called upon Her Majesty's Government in the United Kingdom and all other States to apply certain measures to give effect to decisions of that Council in relation to the former Yugoslavia and Rwanda respectively:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 1 of the United Nations Act 1946(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Commencement

1. This Order may be cited as the United Nations (International Tribunals) (Former Yugoslavia and Rwanda) (Dependent Territories) Order 1997 and shall come into force on 1st September 1997.

Interpretation

2. In this Order—

the "Governor" means the Governor or other officer administering the Government of the Territory;

"the 1996 Orders" means the United Nations (International Tribunal) (Former Yugoslavia) Order 1996(2) and the United Nations (International Tribunal) (Rwanda) Order 1996(3).

(1) 1946 c. 45.
(2) S.I.1996/716.

Application of the 1996 Orders

3.—(1) Subject to the provisions of this article, the 1996 Orders shall have the force of law in the territories listed in the Schedule to this Order.

(2) In the application of this Order to any of the said territories, the expression “the Territory” in this Order means that territory.

(3) In the operation of the 1996 Orders as part of the law of the Territory by virtue of this article, their provisions shall have effect only so far as they are applicable and suitable to local circumstances and they shall be construed with such modifications, adaptations, qualifications and exceptions as local circumstances render necessary; and in particular they shall be subject to the following provisions of this article.

(4) In the operation of the provisions of the 1996 Orders as part of the law of the Territory by virtue of this article—

- (a) a reference therein (in whatever terms) to any English governmental or judicial authority (that is to say, a Minister or department of government of the Government of the United Kingdom or some other officer or authority of that Government or a court or tribunal having jurisdiction under the law of England) shall, subject to paragraphs (5) and (6), be construed as a reference to the Governor or, as the case may require, to the department of government or other officer or authority of the Government of the Territory, or to the court or tribunal of the Territory, for the time being discharging functions corresponding to the relevant functions of the English governmental or judicial authority; and
- (b) a reference therein (in whatever terms) to the United Kingdom, or to England and Wales, as a geographical location shall be construed as a reference to the Territory.

(5) Where, in or for the purposes of any proceedings in a court of the Territory, a question arises as to who or which authority or which court for the time being discharges (or did at some material time discharge) functions corresponding to the relevant functions of a given English governmental or judicial authority, the court which is seized of the proceedings or any person intending to initiate the proceedings may apply to the Governor for his certificate as to that matter; and any certificate which the Governor may give in response to such an application shall be conclusive as to that matter in those proceedings.

(6) Notwithstanding paragraph (4)(a), references in the 1996 Orders (as they have effect as part of the law of the Territory by virtue of this article) to the Secretary of State shall, in their application to things done or to be done outside the Territory, continue to be construed as references to the Secretary of State but shall, in their application to things done or to be done within the Territory, be construed as references to the Governor of the Territory.

(7) In paragraph (5)—

- (a) the reference to proceedings in a court of the Territory is a reference to any proceedings that fall to be taken, or that may fall to be taken, for the purposes of the 1996 Orders (as they have effect as part of the law of the Territory by virtue of this article) or to any step in any such proceedings; and
- (b) the reference to a person intending to initiate proceedings in a court of the Territory includes a reference to a person in whom there is vested, or may be vested, a power or a duty to initiate such proceedings.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

N. H. Nicholls
Clerk of the Privy Council

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SCHEDULE

Article 3

TERRITORIES TO WHICH THE ORDER EXTENDS

Anguilla
Bermuda
Cayman Islands
Falkland Islands
Gibraltar
Montserrat
Pitcairn, Henderson, Ducie and Oeno Islands
St Helena and its Dependencies
South Georgia and South Sandwich Islands
Sovereign Base Areas of Akrotiri and Dhekelia
Turks and Caicos Islands
Virgin Islands

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in respect of the Territories listed in the Schedule to enable the Territories to cooperate with:

- (i) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 established by Resolution 827 (1993) of the Security Council of the United Nations; and
- (ii) the International Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and other such Violations Committed in the Territory of Neighbouring States, between 1st January 1994 and 31st December 1994, established by Resolution 955 (1994) of the Security Council of the United Nations,

in the investigation and prosecution of persons accused of committing crimes within the jurisdiction of each Tribunal and the punishment of persons convicted of such crimes.