



Protection of Military Remains Act 1986

1986 CHAPTER 35

3 Extraterritorial jurisdiction.

- (1) Where a contravention of subsection (2) of section 2 above occurs in international waters or an excavation or operation prohibited by subsection (3) of that section is carried out in international waters, a person shall be guilty of an offence under that section in respect of that contravention, excavation or operation only—
 - (a) if the acts or omissions which constitute the offence are committed in the United Kingdom, in United Kingdom waters or on board a British-controlled ship; or
 - (b) in a case where those acts or omissions are committed in international waters but not on board a British controlled ship, if that person is—
 - (i) a British citizen, a British Dependent Territories citizen or a British Overseas citizen; or
 - (ii) a person who under the British ^{M1}Nationality Act 1981 is a British subject; or
 - (iii) a British protected person (within the meaning of that Act); or
 - [^{F1}(iv) a company registered under the Companies Act 2006.]
- (2) Subject to subsection (1) above, an offence under section 2 above shall, for the purpose only of conferring jurisdiction on any court, be deemed to have been committed in any place where the offender may for the time being be.
- (3) Where subsection (1) above applies in relation to any contravention, excavation or operation, no proceedings for an offence under section 2 above in respect of that contravention, excavation or operation shall be instituted—
 - (a) in England and Wales, except by or with the consent of the Director of Public Prosecutions;
 - (b) in Northern Ireland, except by or with the consent of the Director of Public Prosecutions for Northern Ireland.

Changes to legislation: There are currently no known outstanding effects for the Protection of Military Remains Act 1986, Section 3. (See end of Document for details)

Textual Amendments

- F1** S. 3(1)(b)(iv) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 1(2), **Sch. 1 para. 69** (with art. 10)
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Marginal Citations

- M1** 1981 c. 61.

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