



Cultural Property (Armed Conflicts) Act 2017

2017 CHAPTER 6

PART 1

KEY DEFINITIONS

1 “The Convention” and related expressions

(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

II [S. 1](#) in force at 12.12.2017 by [S.I. 2017/1087](#), [reg. 2](#)

2 “Cultural property”

In this Act “cultural property” has the meaning given in Article 1 of the 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)

Commencement Information

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

PART 2

SERIOUS VIOLATION OF SECOND PROTOCOL

3 Offence of serious violation of Second Protocol

- (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

- (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.

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

- (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

- (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

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) 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

15 S. 5 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. (See end of Document for details)

6 Penalties

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

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

CULTURAL EMBLEM

8 The cultural emblem

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

- (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.

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

- (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

- (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 immovable 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

- (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

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

12 Other authorised use: personnel

- (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

- (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](#)

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

14 Forfeiture following conviction under section 9

- (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”

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

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.

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

- (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

116 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

- (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 [F1the 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);

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) 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

- (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

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

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

Commencement Information

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

20 Forfeiture order

- (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

- (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

- (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.

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

- (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

- (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;

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

“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

- (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.

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

Commencement Information

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

25 Notices of seizure or retention

- (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

- (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

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

PROPERTY REMOVED FOR SAFEKEEPING

28 Immunity from seizure or forfeiture

- (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.

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

- (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

GENERAL

29 Liability of company officers for offences by company

- (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—

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) 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

- (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.
- (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

- (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

- (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.

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

- (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

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

Changes to legislation:

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