



# Geneva Conventions Act 1957

1957 CHAPTER 52 5 and 6 Eliz 2

## *Prevention of abuse of Red Cross and other emblems*

### **6 Use of Red Cross and other emblems.**

- (1) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the [<sup>F1</sup>Secretary of State], to use for any purpose whatsoever any of the following <sup>F2</sup>. . . ; that is to say—
- (a) the emblem of a red cross with vertical and horizontal arms of the same length on, and completely surrounded by, a white ground, or the designation “Red Cross” or “Geneva Cross”;
  - (b) the emblem of a red crescent moon on, and completely surrounded by, a white ground, or the designation “Red Crescent”;
  - (c) the following emblem in red on, and completely surrounded by, a white ground, that is to say, a lion passing from right to left of, and with its face turned towards, the observer, holding erect in its raised right forepaw a scimitar, with, appearing above the lion’s back, the upper half of the sun shooting forth rays, or the designation “Red Lion and Sun”.
  - [<sup>F3</sup>(d) the sign of an equilateral blue triangle on, and completely surrounded by, an orange ground, being the international distinctive sign of civil defence;
  - (e) any of the distinctive signals specified in Chapter III of Annex I to the first protocol, being the signals of identification for medical units and transports. ]<sup>F4</sup>;
  - (f) the emblem of a red frame in the shape of a square on edge on a white ground, conforming to the illustration in Article 1 of the Annex to the third protocol (and whether or not incorporating another emblem, or a combination of emblems, in accordance with Article 3 of the protocol), or the designation “Red Crystal” or “third Protocol emblem”]
- (2) Subject to the provisions of this section, it shall not be lawful for any person, without the authority of the [<sup>F5</sup>Secretary of State], to use for any purpose whatsoever—
- (a) any design consisting of a white or silver cross with vertical and horizontal arms of the same length on, and completely surrounded by, a red ground, being the heraldic emblem of the Swiss Confederation, or any other design so nearly

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resembling that design as to be capable of being mistaken for that heraldic emblem;

(b) any design or wording so nearly resembling any of the emblems or designations specified in the foregoing subsection as to be capable of being mistaken for, or, as the case may be, understood as referring to, one of those emblems.

[<sup>F6</sup>(c) any design so nearly resembling the sign specified in subsection (1)(d) of this section as to be capable of being mistaken for that sign;

(d) any signal so nearly resembling any of the signals referred to in subsection (1) (e) of this section as to be capable of being mistaken for one of those signals.]

(3) If any person contravenes the foregoing provisions of this section he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding [<sup>F7</sup>[<sup>F8</sup>level 5] on the standard scale] and to forfeit any goods [<sup>F9</sup>or other article] upon or in connection with which the emblem, designation, [<sup>F9</sup>sign, signal,] design or wording was used.

(4) In the case of a trade mark registered before the passing of this Act, the foregoing provisions of this section shall not apply by reason only of its consisting of or containing a design or wording which reproduces or resembles an emblem or designation specified in paragraph (b) or (c) of subsection (1) of this section; and where a person is charged with using such a design or wording for any purpose and it is proved that he used it otherwise than as, or as part of, a trade mark registered as aforesaid, it shall be a defence for him to prove—

(a) that he lawfully used that design or wording for that purpose before the passing of this Act; or

(b) in a case where he is charged with using the design or wording upon goods, that the design or wording had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade and who lawfully used the design or wording upon similar goods before the passing of this Act.

[<sup>F10</sup>(4A) Subsection (4) of this section shall apply in relation to a design reproducing or resembling the sign specified in paragraph (d) of subsection (1) of this section as it applies to designs reproducing or resembling an emblem specified in paragraph (b) or (c) of that subsection.

For the purposes of this subsection references in subsection (4) of this section to the passing of this Act shall be construed as references to the passing of the <sup>M1</sup> Geneva Conventions (Amendment) Act 1995. ]

[<sup>F11</sup>(4B) Subsection (4) of this section shall apply in relation to a design or wording reproducing or resembling the emblem or a designation specified in paragraph (f) of subsection (1) of this section as it applies to designs or wording reproducing or resembling an emblem or designation specified in paragraph (b) or (c) of that subsection.

(4C) But subsection (4) of this section shall not apply by virtue of subsection (4B) of this section where the use of the design or wording concerned is such as would appear, in time of armed conflict, to confer the protection of the scheduled conventions and, where applicable, the first protocol and the second protocol.

(4D) For the purposes of subsection (4B) of this section references in subsection (4) of this section to the passing of this Act shall be construed as references to the passing of the Geneva Conventions and United Nations Personnel (Protocols) Act 2009.]

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- (5) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly, and in this subsection the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.
- (6) It is hereby declared that this section extends to the use in or outside the United Kingdom of any such emblem, designation, [<sup>F12</sup>design, wording, sign or signal] as is referred to in subsection (1) or (2) thereof on [<sup>F13</sup>—
- (a) any British ship (within the meaning of the <sup>M2</sup> Merchant Shipping (Registration, etc. ) Act 1993);
  - (b) any British-controlled aircraft or hovercraft (within the meaning of section 92 of the <sup>M3</sup> Civil Aviation Act 1982 or, as the case may be, that section as applied to hovercraft by virtue of provision made under the <sup>M4</sup> Hovercraft Act 1968). ]
- (7) Proceedings [<sup>F14</sup>for an offence]under this section shall not be instituted in England except by or on behalf of the Director of Public Prosecutions or in Northern Ireland without the consent of the [<sup>F15</sup>Director of Public Prosecutions] for Northern Ireland.
- (8) ..... <sup>F16</sup>
- <sup>F17</sup>(9) .....

#### Textual Amendments

- F1** Words in s. 6(1) substituted (20.7.1998) by 1995 c. 27, s. 2(2)(a); S.I. 1998/1505, art. 2
- F2** Words in s. 6(1) repealed (20.7.1998) by 1995 c.27, s. 5(a)(i); S.I. 1998/1505, art. 2
- F3** S. 6(1)(d)(e) inserted (20.7.1998) by 1995 c. 27, s. 2(2)(b); S.I. 1998/1505, art. 2
- F4** S. 6(1)(f) and semi-colon inserted (5.4.2010) by Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6), ss. 1(4), 3(1); S.I. 2009/2892, art. 2
- F5** Words in s. 6(2) substituted (20.7.1998) by 1995 c. 27, s. 2(3)(a); S.I. 1998/1505, art. 2
- F6** S. 6(2)(c)(d) inserted (20.7.1998) by 1995 c. 27, ss. 2(3)(b), 7(2); S.I. 1998/1505, art. 2
- F7** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G and (N.I.) S.I. 1984/703 (N.I.3), arts. 5, 6
- F8** Words in s. 6(3) substituted (20.7.1998) by 1995 c. 27, s. 2(4); S.I. 1998/1505, art. 2
- F9** Words in s. 6(3) inserted (20.7.1998) by 1998 c. 27, s. 2(4)(b)(c); S.I. 1998/1505, art. 2
- F10** S. 6(4A) inserted (20.7.1998) by 1995 c. 27, s. 2(5); S.I. 1998/1505, art. 2
- F11** S. 6(4B)-(4D) inserted (5.4.2010) by Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6), ss. 1(5), 3(1); S.I. 2009/2892, art. 2
- F12** Words in s. 6(6) substituted (20.7.1998) by 1995 c. 27, s. 2(6)(a); S.I. 1998/1505, art. 2
- F13** Words in s. 6(6) substituted (20.7.1998) by 1995 c. 27, s. 2(6)(b); S.I. 1998/1505, art. 2
- F14** Words in s. 6(7) inserted (20.7.1998) by 1995 c. 27, s. 2(7)(a); S.I. 1998/1505, art. 2
- F15** Words in s. 6(7) substituted (20.7.1998) by 1995 c. 27, s. 2(7)(b); S.I. 1998/1505, art. 2
- F16** S. 6(8) repealed by Industrial Expansion Act 1968 (c. 32), Sch. 4
- F17** S. 6(9) repealed (20.7.1998) by 1995 c. 27, s. 5(a)(ii); S.I. 1998/1505, art. 2

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#### Modifications etc. (not altering text)

- C1** Functions of Army Council transferred to Defence Council by defence (Transfer of Functions) Act 1964 (c. 15), ss. 1(3), 3(2)
- C2** Functions of Board of Trade now exercisable concurrently by Secretary of State: [S.I. 1970/1537](#), [art. 2\(1\)\(a\)](#)

#### Marginal Citations

- M1** 1995 c. 27.
- M2** 1993 c. 22.
- M3** 1982 c. 16.
- M4** 1968 c. 59.

### [<sup>F18</sup>6A Regulations.

- (1) The Secretary of State may make regulations—
- (a) granting the authority of the Secretary of State for the purposes of subsection (1) or (2) of section 6 of this Act to persons of any description prescribed in the regulations for the use of any emblem, designation, sign, signal, design or wording referred to in those subsections;
  - (b) making such provision as he may think appropriate for regulating the use for the purposes of any of the scheduled conventions, the first protocol [<sup>F19</sup>, the second protocol or the third protocol ]of any emblem, designation, sign or signal;
- and any authority granted by regulations under paragraph (a) of this subsection may be subject to such limitations and conditions as may be prescribed in the regulations.
- (2) Paragraph (a) of the foregoing subsection is without prejudice to the Secretary of State's power to give his authority under subsection (1) or (2) of section 6 of this Act otherwise than by regulations under this section.
- (3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F18** S. 6A inserted (20.7.1998) by 1995 c. 27, s. 3; S.I. 1998/1505, [art. 2](#)
- F19** Words in s. 6A(1)(b) substituted (5.4.2010) by Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6), [ss. 1\(6\)](#), 3(1); S.I. 2009/2892, [art. 2](#)

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