



Geneva Conventions Act 1957

1957 CHAPTER 52 5 and 6 Eliz 2

Punishment of offenders against conventions

1 Grave breaches of scheduled conventions.

- (1) Any person, whatever his nationality, who, whether in or outside the United Kingdom, commits, or aids, abets or procures the commission by any other person of [^{F1}a grave breach of any of the scheduled conventions [^{F2}, the first protocol or the third protocol] shall be guilty of an offence]. . .

[^{F3}(1A) For the purposes of subsection (1) of this section—

- (a) a grave breach of a scheduled convention is anything referred to as a grave breach of the convention in the relevant Article, that is to say—
- (i) in the case of the convention set out in the First Schedule to this Act, Article 50;
 - (ii) in the case of the convention set out in the Second Schedule to this Act, Article 51;
 - (iii) in the case of the convention set out in the Third Schedule to this Act, Article 130;
 - (iv) in the case of the convention set out in the Fourth Schedule to this Act, Article 147; and
- (b) a grave breach of the first protocol is anything referred to as a grave breach of the protocol in paragraph 4 of Article 11, or paragraph 2, 3 or 4 of Article 85, of the protocol.]

[^{F4}; and

- (c) a grave breach of the third protocol is anything which for the purposes of Article 6 of the protocol constitutes the perfidious use of the emblem specified in section 6(1)(f) of this Act]

[^{F5}(2) In the case of an offence under this section committed outside the United Kingdom, a person may be proceeded against, indicted, tried and punished therefor in any place in the United Kingdom as if the offence had been committed in that place, and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that place.]

Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, Cross Heading: Punishment of offenders against conventions. (See end of Document for details)

- F⁶(3)
- F⁶(4)
- F⁶(5)

Textual Amendments

- F1** Words in s. 1(1) substituted (20.7.1998) by 1995 c. 27, s. 1(2); S.I. 1998/1505, art. 2
- F2** Words in s. 1(1) substituted (5.4.2010) by Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6), ss. 1(2), 3(1); S.I. 2009/2892, art. 2
- F3** S. 1(1A) inserted (20.7.1998) by 1995 c. 27, s. 1(3); S.I. 1998/1505, art. 2
- F4** S. 1(1A)(c) and word inserted (5.4.2010) by Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6), ss. 1(3), 3(1); S.I. 2009/2892, art. 2
- F5** S. 1(2) repealed (E.W.) by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. III and (N.I.) by Criminal Law Act (Northern Ireland) 1967 (c. 18), s. 15(2), Sch. 2 Pt. II
- F6** S. 1(3)-(5) repealed (1.9.2001 but without application in relation to offences committed before the commencement of s. 70 of the amending Act) by 2001 c. 17, ss. 70(1)(b)(3), 83, Sch. 10 (with ss. 56(2), 63(2), 78); S.I. 2001/2161, art. 2

[^{F7}1A Trial and punishment of offences under s.1

- (1) The following provisions apply in relation to offences under section 1 of this Act.
- (2) The offence is triable only on indictment.
- (3) Proceedings for an offence shall not be instituted—
 - (a) in England and Wales, except by or with the consent of the Attorney General;
 - (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.
- (4) If the offence is not committed in the United Kingdom—
 - (a) proceedings may be taken, and
 - (b) the offence may for incidental purposes be treated as having been committed, in any place in the United Kingdom.
- (5) A person convicted of an offence involving murder shall be dealt with as for an offence of murder.

In this subsection “murder” means the killing of a person in such circumstances as would constitute murder if committed in the part of the United Kingdom in which the proceedings are brought.
- (6) In any other case a person convicted of an offence is liable to imprisonment for a term not exceeding 30 years.]

Textual Amendments

- F7** S. 1A inserted (1.9.2001 but without application in relation to offences committed before the commencement of s. 70 of the amending Act) by 2001 c. 17, s. 70(2)(3) (with ss. 56(2), 63(2), 78); S.I. 2001/2161, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Geneva Conventions Act 1957, Cross
Heading: Punishment of offenders against conventions.