



# Internationally Protected Persons Act 1978

## 1978 CHAPTER 17

An Act to implement the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons adopted by the United Nations General Assembly in 1973. [30th June 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Attacks and threats of attacks on protected persons**

(1) If a person, whether a citizen of the United Kingdom and Colonies or not, does outside the United Kingdom—

- (a) any act to or in relation to a protected person which, if he had done it in any part of the United Kingdom, would have made him guilty of the offence of murder, manslaughter, culpable homicide, rape, assault occasioning actual bodily harm or causing injury, kidnapping, abduction, false imprisonment or plagium or an offence under section 18, 20, 21, 22, 23, 24, 28, 29, 30 or 56 of the Offences against the Person Act 1861 or section 2 of the Explosive Substances Act 1883; or
- (b) in connection with an attack on any relevant premises or on any vehicle ordinarily used by a protected person which is made when a protected person is on or in the premises or vehicle, any act which, if he had done it in any part of the United Kingdom, would have made him guilty of an offence under section 2 of the Explosive Substances Act 1883, section 1 of the Criminal Damage Act 1971 or article 3 of the Criminal Damage (Northern Ireland) Order 1977 or the offence of wilful fire-raising,

he shall in any part of the United Kingdom be guilty of the offences aforesaid of which the act would have made him guilty if he had done it there.

(2) If a person in the United Kingdom or elsewhere, whether a citizen of the United Kingdom and Colonies or not—

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- (a) attempts to commit an offence which, by virtue of the preceding subsection or otherwise, is an offence mentioned in paragraph (a) of that subsection against a protected person or an offence mentioned in paragraph (b) of that subsection in connection with an attack so mentioned; or
- (b) aids, abets, counsels or procures, or is art and part in, the commission of such an offence or of an attempt to commit such an offence,

he shall in any part of the United Kingdom be guilty of attempting to commit the offence in question or, as the case may be, of aiding, abetting, counselling or procuring, or being art and part in, the commission of the offence or attempt in question.

- (3) If a person in the United Kingdom or elsewhere, whether a citizen of the United Kingdom and Colonies or not—

- (a) makes to another person a threat that any person will do an act which is an offence mentioned in paragraph (a) of the preceding subsection; or
- (b) attempts to make or aids, abets, counsels or procures or is art and part in the making of such a threat to another person,

with the intention that the other person shall fear that the threat will be carried out, the person who makes the threat or, as the case may be, who attempts to make it or aids, abets, counsels or procures or is art and part in the making of it, shall in any part of the United Kingdom be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding ten years and not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

- (4) For the purposes of the preceding subsections it is immaterial whether a person knows that another person is a protected person.

- (5) In this section—

" act " includes omission;

" a protected person " means, in relation to an alleged offence, any of the following, namely—

- (a) a person who at the time of the alleged offence is a Head of State, a member of a body which performs the functions of Head of State under the constitution of the State, a Head of Government or a Minister for Foreign Affairs and is outside the territory of the State in which he holds office;
- (b) a person who at the time of the alleged offence is a representative or an official of a State or an official or agent of an international organisation of an intergovernmental character, is entitled under international law to special protection from attack on his person, freedom or dignity and does not fall within the preceding paragraph;
- (c) a person who at the time of the alleged offence is a member of the family of another person mentioned in either of the preceding paragraphs and—
  - (i) if the other person is mentioned in paragraph (a) above, is accompanying him,
  - (ii) if the other person is mentioned in paragraph (a) above, is a member of his household;

" relevant premises " means premises at which a protected person resides or is staying or which a protected person uses for the purpose of carrying out his functions as such a person; and

" vehicle " includes any means of conveyance; and if in any proceedings a question arises as to whether a person is or was a protected person, a certificate issued by or under the authority of the Secretary of State and stating any fact relating to the question shall be conclusive evidence of that fact.

## **2 Provisions supplementary to s. 1**

- (1) Proceedings for an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978) would not be an offence apart from the preceding section shall not be begun—
  - (a) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland;
  - (b) in England and Wales, except by or with the consent of the Attorney General; and references to a consent provision in article 7(3) to (5) of the Prosecution of Offences (Northern Ireland) Order 1972 (which relates to consents for prosecutions) shall include so much of this subsection as precedes paragraph (b).
- (2) Without prejudice to any jurisdiction exercisable apart from this subsection, every sheriff court in Scotland shall have jurisdiction to entertain proceedings for an offence which (disregarding the provisions of the Suppression of Terrorism Act 1978) would not be an offence in Scotland apart from the preceding section.
- (3) Nothing in the preceding section shall prejudice the operation of any rule of law relating to attempts to commit offences, section 8 of the Accessories and Abettors Act 1861 or any rule of law in Scotland relating to art and part guilt.
- (4) In the Schedule to the Visiting Forces Act 1952 (which specifies the offences which are offences against the person and against property for the purposes of section 3 of that Act)—
  - (a) at the end of paragraph 1 there shall be inserted the following sub-paragraph—
    - “(c) an offence of making such a threat as is mentioned in subsection (3)(a) of section 1 of the Internationally Protected Persons Act 1978 and any of the following offences against a protected person within the meaning of that section, namely, an offence of kidnapping, an offence of false imprisonment and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.”;
  - (b) at the end of paragraph 2 there shall be inserted the following sub-paragraph—
    - “(c) an offence of making such a threat as is mentioned in subsection (3)(a) of section 1 of the Internationally Protected Persons Act 1978 and the following offence against a protected person within the meaning of that section, namely, an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.”;
  - (c) at the end of paragraph 3 there shall be inserted the following sub-paragraph—
    - “(i) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property in connection with such an attack as is mentioned in section 1(1)(b) of the Internationally Protected Persons Act 1978.”;
  - (d) at the end of paragraph 4 there shall be inserted the following sub-paragraph—

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- “(c) any of the following offences in connection with such an attack as is mentioned in section 1(1)(b) of the Internationally Protected Persons Act 1978, namely, an offence of wilful fire-raising and an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property.”.

### **3 Extradition**

- (1) An offence under section 1(3)(a) of this Act shall be deemed to be included in the list of extradition crimes in Schedule 1 to the Extradition Act 1870 and among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967.
- (2) Where no such arrangement as is mentioned in section 2 of the Extradition Act 1870 has been made with a State which is a party to the Convention mentioned in the title to this Act, an Order in Council applying that Act may be made under that section as if the Convention were such an arrangement with that State; but where that Act is applied by virtue of this subsection it shall have effect as so applied as if the only extradition crimes within the meaning of that Act were—
  - (a) an offence mentioned in paragraph (a) of subsection (1) of section 1 of this Act which is committed against a protected person within the meaning of that section;
  - (b) an offence mentioned in paragraph (b) of that subsection which is committed in connection with such an attack as is so mentioned;
  - (c) an attempt to commit an offence mentioned in the preceding paragraphs; and
  - (d) an offence under section 1(3) of this Act.
- (3) For the purposes of the Extradition Act 1870 any act, wherever committed, which is an offence mentioned in the preceding subsection and an offence against the law of any State in the case of which that Act is applied by an Order in Council under section 2 of that Act shall be deemed to be an offence committed within the jurisdiction of that State.

### **4 Application to Channel Islands, Isle of Man and other countries**

- (1) Sections 17 and 22 of the Extradition Act 1870 (application to the Channel Islands, Isle of Man and United Kingdom dependencies) shall extend to the provisions of this Act amending that Act and sections 16 and 17 of the Fugitive Offenders Act 1967 (application as aforesaid) shall extend to the provisions of this Act amending that Act.
- (2) Her Majesty may by Order in Council make provision for extending any of the other provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible, or any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of the government of the United Kingdom.
- (3) Her Majesty may by Order in Council vary or revoke any Order in Council in force under this section.

### **5 Supplemental**

- (1) This Act may be cited as the Internationally Protected Persons Act 1978.

- (2) Any reference in this Act to an enactment is a reference to it as amended by or under any other enactment.
- (3) For the purpose of construing references in this Act to other Acts, section 38(1) of the Interpretation Act 1889 shall apply in cases of repeal and re-enactment by a Measure of the Northern Ireland Assembly or by an Order in Council under the Northern Ireland Act 1974 as it applies in cases of repeal and re-enactment by an Act; and in the preceding subsection " enactment " includes an enactment of the Parliament of Northern Ireland, any such Measure and Order and an Order in Council under the Northern Ireland (Temporary Provisions) Act 1972.
- (4) Section 4 of the Suppression of Terrorism Act 1978 (which relates to certain offences committed outside the United Kingdom) shall have effect with the following amendments (which are consequential on provisions of this Act) namely—
  - (a) subsections (2) and (6) are hereby repealed; and
  - (b) in subsections (4) and (5) after the words " offence which " there shall be inserted the words " (disregarding the provisions of the Internationally Protected Persons Act 1978) ".
- (5) This Act shall come into force on such day as Her Majesty may appoint by Order in Council.