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STATUTORY INSTRUMENTS

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**2010 No. 2965**

**GENEVA CONVENTIONS**

**The Geneva Conventions Act (Guernsey) Order 2010**

*Made - - - - 15th December 2010*

*Coming into force - - 15th January 2011*

At the Court at Buckingham Palace, the 15th day of December 2010

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 8(2)(a) of the Geneva Conventions Act 1957<sup>(1)</sup>, and section 79(3) of the International Criminal Court Act 2001<sup>(2)</sup>, is pleased, by and with the advice of Her Privy Council, to make the following Order:

**Citation and commencement**

1. This Order may be cited as the Geneva Conventions Act (Guernsey) Order 2010 and shall come into force on 15th January 2011.

**Interpretation**

2. In this Order –

“the 2001 Act” means the International Criminal Court Act 2001;

“the 2009 Act” means the Geneva Conventions and United Nations Personnel (Protocols) Act 2009<sup>(3)</sup>; and

“Guernsey” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

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(1) 1957 c.52. The provisions of this Act extend, with modifications, to the Bailiwick of Guernsey by virtue of SI 1966/948. The Act was amended by the Geneva Conventions (Amendment) Act 1995 (c. 27) and the provisions of that Act were extended to Guernsey, with modifications, by virtue of S.I. 1999/1316. Section 8(2) was applied by section 7(4) of the Geneva Conventions (Amendment) Act 1995 and by section 3(3) of the Geneva Conventions and United Nations Personnel (Protocols) Act 2009 (c. 6).

(2) 2001 c. 17.

(3) 2009 c. 6.

### **Extension of the 2001 Act and the 2009 Act to Guernsey**

3. Sections 70 and 83 of, and Schedule 10 (in respect of sections 1(1) and 7(1) of the Geneva Conventions Act 1957) to, the 2001 Act, and section 1 of, and the Schedule to, the 2009 Act, shall extend to Guernsey, subject to the exceptions and modifications set out in the First Schedule to this Order.

### **Amendment to the Geneva Conventions Act (Guernsey) Order 1966**

4. The Geneva Conventions Act (Guernsey) Order 1966<sup>(4)</sup> shall be amended in accordance with the provisions of the Second Schedule to this Order.

### **Amendment to the Geneva Conventions Act (Guernsey) Order 1999**

5. The Geneva Conventions Act (Guernsey) Order 1999<sup>(5)</sup> shall be amended in accordance with the provisions of the Third Schedule to this Order.

*Judith Simpson*  
Clerk of the Privy Council

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<sup>(4)</sup> S.I. 1966/948.  
<sup>(5)</sup> SI 1999/1316.

## SCHEDULE 1

Article 3

### Exceptions and Modifications to be made in the extension of the provisions of the 2001 Act and the 2009 Act to Guernsey

1. Any reference to the Geneva Conventions Act 1957, the 2001 Act or the 2009 Act, or to a provision of any of those Acts, shall be construed as a reference to that Act or provision as it has effect in Guernsey.

2. In section 70(1) (Offences under section 1 of the Geneva Conventions Act 1957) of the 2001 Act, omit paragraph (b).

3. In section 70(2) (Offences under section 1 of the Geneva Conventions Act 1957) of the 2001 Act (in relation to the inserted section 1A (Trial and punishment of offences under s.1) of the Geneva Conventions Act 1957) –

- (a) omit subsection (3) of section 1A of the Geneva Conventions Act 1957;
- (b) in subsection (4) of section 1A of the Geneva Conventions Act 1957 for “the United Kingdom” in each place it occurs, substitute “Guernsey”; and
- (c) in subsection (5) of section 1A of the Geneva Conventions Act 1957 for “the part of the United Kingdom in which the proceedings are brought” substitute “Guernsey”.

4. In section 1(5) (Amendments of the Geneva Conventions Act 1957) of the 2009 Act, for subsection (4D) inserted into section 6 (Use of Red Cross and other emblems) of the Geneva Conventions Act 1957 substitute

“(4D) For the purposes of subsection (4B) of this section references in subsection (4) of this section to the coming into operation of this Act in Guernsey shall be construed as references to the coming into operation of the Geneva Conventions and United Nations Personnel (Protocols) Act 2009 in Guernsey.”.

## SCHEDULE 2

Article 4

### Amendments to the Geneva Conventions Act (Guernsey) Order 1966

**The Schedule to the Geneva Conventions Act (Guernsey) Order 1966 shall be amended as follows -**

1. After paragraph 1, insert the following paragraph 1A –

“1A. For the words “Secretary of State” wherever they occur there shall be substituted the word “Governor”.”.

2. After paragraph 4, insert the following paragraph 4A –

“4A. Section 4(3) shall be omitted.”.

3. After paragraph 6(3), insert—

“(3A) In section 6(5) for the word “national” there shall be substituted the word “public”.”.

4. For paragraph 7 substitute –

“7. In section 7(1) –

- (a) the definition of “enactment” shall be omitted; and
- (b) the following definition shall be inserted –

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“Governor” means the holder for the time being of the Office of Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey and its Dependencies;”.

### SCHEDULE 3

Article 5

#### Amendments to the Geneva Conventions Act (Guernsey) Order 1999

**The Schedule to the Geneva Conventions Act (Guernsey) Order 1999 shall be amended as follows -**

1. After paragraph 1, insert the following paragraph 1A –

“**1A.** For the words “Secretary of State” wherever they occur substitute the word “Governor”.”.

2. After paragraph 3, insert–

“**3A.** In section 3 (in relation to the inserted section 6A of the Geneva Conventions Act 1957) -

- (a) in section 6A(1) of the Geneva Conventions Act 1957 after the words “Secretary of State” in each place they occur insert the words “or the Royal Court of Guernsey as the case may be”;
- (b) in section 6A(2) of the Geneva Conventions Act 1957 –
  - (i) after the word “State’s” insert the words “or as the case may be the Royal Court of Guernsey’s”; and
  - (ii) for the word “his” substitute the word “its”; and
- (c) omit section 6A(3) of the Geneva Conventions Act 1957.

**3B.** For section 4(7) substitute–

“(7) After subsection (2) there shall be inserted the following subsection:

(2A) The first protocol and the second protocol shall for the purposes of this Act be construed subject to and in accordance with:—

- (a) any reservation or declaration certified by Her Majesty by Order in Council<sup>(6)</sup> to have been made by the United Kingdom on ratification of the protocols, and which has not been so certified as having been withdrawn;
- (b) any amendment to the Fifth Schedule to this Act made by Her Majesty by Order in Council so as to ensure that the Schedule sets out the text of the first protocol as in force in relation to the United Kingdom”.

(6) see S.I. 1998/1754.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The purpose of this Order is threefold; first to extend section 1 of, and the Schedule to, the Geneva Conventions and United Nations Personnel (Protocols) Act 2009 so that the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an Additional Distinctive Emblem, of 8 December 2005, which prescribes a new humanitarian symbol to be known as the Red Crystal, can be extended to the Bailiwick of Guernsey; second to extend to the Bailiwick of Guernsey the amendments to the Geneva Conventions Act 1957 made by sections 70 and 83 of, and Schedule 10 (in respect of sections 1(1) and 7(1) of the Geneva Conventions Act 1957) to, the International Criminal Court Act 2001; and third to amend the Schedules to the Geneva Conventions Act (Guernsey) Order 1966 and the Geneva Conventions Act (Guernsey) Order 1999.