

War Crimes Act 1991

1991 CHAPTER 13

Sweet & Maxwell Ltd.

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An Act to confer jurisdiction on United Kingdom courts in respect of certain grave violations of the laws and customs of war committed in German-held territory during the Second World War; and for connected purposes.

[9th May 1991]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Commons, in this present Parliament assembled, in accordance with the provisions of the Parliament Acts 1911 and 1949, and by authority of the same, as follows:—

1.— Jurisdiction over certain war crimes.

(1) Subject to the provisions of this section, proceedings for murder, manslaughter or culpable homicide may be brought against a person in the United Kingdom irrespective of his nationality at the time of the alleged offence if that offence—

- (a) was committed during the period beginning with 1st September 1939 and ending with 5th June 1945 in a place which at the time was part of Germany or under German occupation; and
- (b) constituted a violation of the laws and customs of war.

(2) No proceedings shall by virtue of this section be brought against any person unless he was on 8th March 1990, or has subsequently become, a British citizen or resident in the United Kingdom, the Isle of Man or any of the Channel Islands.

(3) No proceedings shall by virtue of this section be brought in England and Wales or in Northern Ireland except by or with the consent of the Attorney General or, as the case may be, the Attorney General for Northern Ireland.

(4) The Schedule to this Act provides a procedure for use instead of committal proceedings where a person is charged in [...] ¹ Northern Ireland with an offence to which this section applies.

2. Expenses.

There shall be paid out of money provided by Parliament—

- (a) such sums as the Secretary of State may with the consent of the Treasury determine in respect of expenditure by the [Metropolitan Police Authority] ² on the investigation by officers of the Metropolitan Police (with or without other officers) of offences to which section 1 above applies; and

¹ words repealed by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

² words substituted by Greater London Authority Act 1999 c. 29 Sch. 27 para. 67

(b) any increase attributable to this Act in the sums payable out of such money under any other Act.

3.— Short title, consequential amendments, commencement and extent.

(1) This Act may be cited as the War Crimes Act 1991.

(2) [...] ³

(3) In Article 29(2) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (free legal aid in Crown Court) after sub-paragraph (c) there shall be inserted

“or

(d) where a notice of transfer is given under Part II of the Schedule to the War Crimes Act 1991, by the magistrates' court before which the person to whom the notice relates is brought.”

(4) Section 1(4) above and the Schedule to this Act shall not come into force until a day appointed by the Secretary of State by an order made by statutory instrument.

(5) This Act extends to Northern Ireland.

(6) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions and modifications as appear to Her Majesty to be appropriate, to the Isle of Man, any of the Channel Islands or any colony.

SCHEDULE

PROCEDURE IN LIEU OF COMMITTAL

PART I

ENGLAND AND WALES

Notice of transfer

1.— [...] ⁴

Contents of notice

2.— [...] ⁵

³ repealed by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

⁴ repealed, never in force by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

⁵ repealed, never in force by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

Remand

3.— [...] ⁶

Witnesses

4. [...] ⁷

Regulations

5.— [...] ⁸

Applications for dismissal

6.— [...] ⁹

PART II**NORTHERN IRELAND***Notice of transfer*

7.— [...] ¹⁰

Contents of notice

8.— [...] ¹¹

Remand

9.— [...] ¹²

Regulations

10.— [...] ¹³

⁶ repealed, never in force by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

⁷ repealed, never in force by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

⁸ repealed, never in force by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

⁹ repealed, never in force by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 5 para. 2

¹⁰ repealed, never in force, by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 4 para. 36

¹¹ repealed, never in force, by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 4 para. 36

¹² repealed, never in force, by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 4 para. 36

¹³ repealed, never in force, by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 4 para. 36

Applications for dismissal

11.— [...]¹⁴

¹⁴ repealed, never in force, by Criminal Procedure and Investigations Act 1996 c. 25 Sch. 4 para. 36

(Represents Current Law in Force - for pending amendments see Prospective Law on Westlaw UK.)