

CHAPTER 8

THE GENEVA CONVENTIONS (SUPPLEMENTARY PROVISIONS) ACT, 1960

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Application.
3. Interpretation.
4. Appeals by protected persons to the Supreme Court.
5. Appeals by protected persons to superior courts of Territories.

AN ACT to supplement the Geneva Conventions Act, 1957,^{Act 8/1960} of the United Kingdom as extended to The West Indies and the British Virgin Islands by the Geneva Conventions Act (Colonial Territories) Order in Council, 1959, so as to enable full effect to be given in relation to The West Indies and the British Virgin Islands to certain international conventions done at Geneva on the twelfth day of August, nineteen hundred and forty-nine.

Date of assent 29th December, 1960.

Commencement 29th December, 1960.

1. This Act may be cited as the Geneva Conventions Short title. (Supplementary Provisions) Act, 1960.

2. This Act shall apply to the Cayman Islands and Applica- the Turks and Caicos Islands. tion.

3. In this Act— Interpreta-
 the expressions “protected internee”, “protected tion.
 prisoner of war” and “the protecting power”
 have the meanings respectively assigned to them
 in section 7 of the Geneva Conventions Act,^{5 & 6 Eliz 2}
 1957, of the United Kingdom as extended to The c. 52 (Imp.)
 West Indies and the British Virgin Islands by
 the Geneva Conventions Act (Colonials,^{I.}
 Territories) Order in Council, 1959; 1959/1301
(Imp.)

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“the Regulations” means the Federal Supreme Court Regulations, 1958;

“superior court”, in relation to a Territory, has the meaning assigned to it in paragraph (1) of regulation 2 of the Regulations, and, in relation to the British Virgin Islands has the meaning assigned to it in subsection (2) of section 2 of the Federal Supreme Court (Virgin Islands Appeals) Act, 1958.

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Appeals by
protected
persons
to the
Supreme
Court.

4. Where a protected prisoner of war or a protected internee has been convicted in a superior court of a Territory or of the British Virgin Islands and has on such conviction been sentenced to death or to imprisonment for a term of two years or more, or where, after an appeal to a superior court of a Territory or of the British Virgin Islands, the sentence on a protected prisoner of war or a protected internee remains or has become a sentence of imprisonment for a term of two years or more, the time within which he must give notice of appeal or notice of his application for leave to appeal to the Federal Supreme Court shall, notwithstanding anything in any enactment relating to such appeals, be the period from the date of his conviction, or, in the case of an appeal against sentence, of his sentence, or, in the case of an appeal from an order, of the making of the order to the expiration of fourteen days after the date on which he receives a notice given—

- (a) in the case of a protected prisoner of war, by an officer of Her Majesty's forces;
- (b) in the case of a protected internee, by or on behalf of the officer in charge of the prison in which he is confined,

that the protecting power has been notified of his conviction and sentence, or of the making of the order, as the case may be; and in a case to which any of the foregoing provisions applies a reference to the period aforesaid shall be substituted for—

- (i) any reference to the period of fourteen days after the date of conviction in paragraph (1)

of regulation 24 of the Regulations, (which relates to the re-vesting and restitution of property on conviction); or, as the case may be,

- (ii) any reference to the period of fourteen days from the determination by the superior court in paragraph (3) of regulation 35 of the Regulations, as modified by sub-paragraph (iii) of paragraph (c) of regulation 41 thereof (which relates to the custody of any documents, exhibits or other things connected with proceedings at the trial before the court of summary jurisdiction).

5. Where a protected prisoner of war or a protected internee has been convicted in a court of summary jurisdiction in a Territory and has on such conviction been sentenced to imprisonment for a term of two years or more, in reckoning the time within which he must give notice of appeal or deliver the grounds of appeal or do any other act for perfecting his appeal to a superior court no account shall be taken of the period between the date of his conviction, or, in the case of an appeal against sentence, of his sentence and the date on which he receives a notice given—

- (a) in the case of a protected prisoner of war, by an officer of Her Majesty's forces;
- (b) in the case of a protected internee, by or on behalf of the officer in charge of the prison in which he is confined;

and in a case to which the foregoing provisions apply—

- (i) any provision in any enactment suspending the operation of any order for the restitution of any property to any person made on a conviction by a court of summary jurisdiction or the operation, in the case of any such conviction, of the provisions of any enactment as to re-vesting of the property in

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stolen goods on conviction, shall have effect as if in reckoning the time during which the operation of such order is, or of such provisions are, suspended no account were required to be taken of the aforesaid period; and

- (ii) any provision in any enactment providing for the continued custody of any documents, exhibits or other things connected with proceedings at the trial before the court of summary jurisdiction, after the termination of such proceedings, shall have effect as if it provided for the continued custody of such documents, exhibits or other things until the expiry of such time after the aforesaid period as is allowed for an appeal to be made to the superior court.