

ELIZABETH II



Taking of Hostages Act 1982

1982 CHAPTER 28

An Act to implement the International Convention against the Taking of Hostages; and for connected purposes.
[13th July 1982]

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.—(1) A person, whatever his nationality, who, in the United Kingdom or elsewhere,— Hostage-taking.

- (a) detains any other person (“ the hostage ”), and
- (b) in order to compel a State, international governmental organisation or person to do or abstain from doing any act, threatens to kill, injure or continue to detain the hostage,

commits an offence.

(2) A person guilty of an offence under this Act shall be liable, on conviction on indictment, to imprisonment for life.

2.—(1) Proceedings for an offence under this Act shall not be instituted— Prosecution of offences.

- (a) in England and Wales, except by or with the consent of the Attorney General; and
- (b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

(2) As respects Scotland, for the purpose of conferring on the sheriff jurisdiction to entertain proceedings for an offence under this Act, any such offence shall, without prejudice to any jurisdiction exercisable apart from this subsection, be deemed to have been committed in any place in Scotland where the offender may for the time being be.

1978 c. 5.

(3) In Part I of Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 (scheduled offences for the purposes of that Act) after paragraph 19 there shall be inserted the following paragraph—

“ Taking of Hostages Act 1982

19A. Offences under the Taking of Hostages Act 1982.”.

Extradition.

3.—(1) There shall be deemed to be included—

1870 c. 52.

(a) in the list of extradition crimes in Schedule 1 to the Extradition Act 1870, and

1967 c. 68.

(b) among the description of offences set out in Schedule 1 to the Fugitive Offenders Act 1967,

any offence under this Act.

1978 c. 26.

(2) In Schedule 1 to the Suppression of Terrorism Act 1978 (offences not to be regarded as of a political character) after paragraph 11 there shall be inserted the following paragraph—

“ Taking of hostages

11A. An offence under the Taking of Hostages Act 1982.”.

(3) 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, an Order in Council applying the Act of 1870 may be made under that section as if the Convention were such an arrangement with that State; but where the Act of 1870 is so applied it shall have effect as if the only extradition crimes within the meaning of that Act were offences under this Act and attempts to commit such offences.

(4) For the purposes of the Act of 1870 any act, wherever committed, which—

(a) is an offence under this Act or an attempt to commit such an offence, and

(b) is 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.

(5) In subsection (3) above “the Convention” means the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.

4. In the Fugitive Offenders Act 1967 the following section shall be inserted after section 4—

Further provisions as to extradition. 1967 c. 68.

“Restriction on return: hostage-taking.

4A.—(1) A person shall not be returned under this Act to a designated Commonwealth country which is party to the Convention referred to in subsection (3) below, or committed to or kept in custody for the purposes of such return, if it appears to the Secretary of State, to the court of committal or to the High Court or High Court of Justiciary on an application for habeas corpus or for review of the order of committal—

- (a) that he might, if returned, be prejudiced at his trial by reason of the impossibility of effecting communications between him and the appropriate authorities of the State entitled to exercise rights of protection in relation to him ; and
- (b) that the act or omission constituting the offence of which he has been accused or convicted also constituted an offence under section 1 of the Taking of Hostages Act 1982 or an attempt to commit such an offence.

(2) Where the Secretary of State certifies that a country is a party to the Convention the certificate shall, in any proceedings under this Act, be conclusive evidence of that fact.

(3) The Convention mentioned in subsections (1) and (2) above is the International Convention against the Taking of Hostages opened for signature at New York on 18th December 1979.”.

5.—(1) Sections 17 and 22 of the Extradition Act 1870 and sections 16 and 17 of the Fugitive Offenders Act 1967 (application to Channel Islands, Isle of Man and colonies) shall extend respectively to the provisions of this Act amending those Acts.

Application to Channel Islands, Isle of Man, etc. 1870 c. 52.

(2) Her Majesty may by Order in Council make provision for extending 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 or any colony.

6.—(1) This Act may be cited as the Taking of Hostages Act 1982.

Short title and commencement.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.

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