1 Prosecution of certain extra-territorial offences: England and Wales [NC1]

(1) The Prosecution of Offences Act 1985 is amended as follows.

(2) In section 6 (prosecutions instituted and conducted otherwise than by the Crown Prosecution Service), in subsection (1), after "subsection (2)" there is inserted "and section 6A".

(3) After that section there is inserted—

"6A Prosecution of certain extra-territorial offences

(1) This section applies to the following proceedings—

(a) proceedings in respect of a relevant extra-territorial offence which is alleged to have been committed outside the United Kingdom by a person who at the time was not a United Kingdom national, and

(b) proceedings in respect of an ancillary offence relating to a relevant extra-territorial offence where—

(i) the ancillary offence is alleged to have been committed by a person who at the time was not a United Kingdom national, and

(ii) it is alleged that the relevant extra-territorial offence was, or would have been, committed outside the United Kingdom by a person who at the time was not a United Kingdom national.

(2) In subsection (1) "relevant extra-territorial offence" means—

(a) piracy or an offence under section 2 of the Piracy Act 1837 (piracy where murder is attempted);

(b) an offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions);

(c) an offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking);

(d) an offence under section 1, 2 or 6 of the Aviation Security Act 1982 (hijacking etc);

(e) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the United Nations Personnel Act 1997 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 2A of the Nuclear Material (Offences) Act 1983 (offences relating to nuclear material);

(f) an offence under section 134 of the Criminal Justice Act 1988 (torture);

(g) an offence under section 1 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes);

(h) an offence under sections 9 to 14 of that Act (hijacking of ships etc);

(i) an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978, the Nuclear Material (Offences) Act 1983 and the Terrorism Act 2000) would not be an offence apart from sections 1 to 3 of the United Nations Personnel Act 1997 (attacks on UN workers etc).

(3) In a case where—

(a) proceedings to which this section applies may (apart from this section) be instituted only by or with the consent of the Attorney General, and

(b) the proceedings are not instituted by the Attorney General,

the proceedings may be instituted only by the Director (with the consent of the Attorney General).

(4) In any other case, proceedings to which this section applies may be instituted only by the Attorney General or the Director.

(5) For the purposes of subsection (1) a person subject to service law who is not a United Kingdom national is to be regarded as a United Kingdom national.

(6) In this section—

"ancillary offence", in relation to an offence, means—

(a) aiding, abetting, counselling or procuring the commission of the offence,

(b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence (including, in relation to times before the commencement of that Part, an offence of incitement), or

(c) attempting or conspiring to commit the offence;

"subject to service law" has the same meaning as in the Armed Forces Act 2006 (see section 374);

"United Kingdom national" means an individual who is—

(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British overseas citizen,

(b) a person who under the British Nationality Act 1981 is a British subject, or

(c) a British protected person within the meaning of that Act."

(4) In section 25 (consents to prosecutions etc)—

(a) in subsection (2), in paragraph (a), at the beginning there is inserted "subject to subsection (2A) below,";

(b) after subsection (2) there is inserted—

"(2A) Subsection (2)(a) above does not authorise the issue of a warrant of arrest (other than pursuant to an information laid by or on behalf of a Law Officer of the Crown or the Director) in, or for the purpose of, proceedings to which section 6A above applies."