

Reprinted to conform with Statutory requirements and issued free of charge to all known recipients of the original version.



United Nations Personnel Act 1997

CHAPTER 13

ARRANGEMENT OF SECTIONS

Section

1. Attacks on UN workers.
2. Attacks in connection with premises and vehicles.
3. Threats of attacks on UN workers.
4. Meaning of UN worker.
5. Provisions supplementary to sections 1 to 3.
6. Extradition.
7. Consequential amendments.
8. Interpretation.
9. Extent.
10. Short title and commencement.

SCHEDULE:

Consequential Amendments.



United Nations Personnel Act 1997

1997 CHAPTER 13

An Act to enable effect to be given to certain provisions of the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly of the United Nations on 9th December 1994. [27th February 1997]

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) If a person does outside the United Kingdom any act to or in relation to a UN worker which, if he had done it in any part of the United Kingdom, would have made him guilty of any of the offences mentioned in subsection (2), he shall in that part of the United Kingdom be guilty of that offence.

Attacks on UN workers.

(2) The offences referred to in subsection (1) are—

- (a) murder, manslaughter, culpable homicide, rape, assault causing injury, kidnapping, abduction and false imprisonment;
- (b) an offence under section 18, 20, 21, 22, 23, 24, 28, 29, 30 or 47 of the Offences against the Person Act 1861; and
- (c) an offence under section 2 of the Explosive Substances Act 1883.

1861 c. 100.

1883 c. 3.

2.—(1) If a person does outside the United Kingdom any act, in connection with an attack on relevant premises or on a vehicle ordinarily used by a UN worker which is made when a UN worker is on or in the premises or vehicle, which, if he had done it in any part of the United Kingdom, would have made him guilty of any of the offences mentioned in subsection (2), he shall in that part of the United Kingdom be guilty of that offence.

Attacks in connection with premises and vehicles.

(2) The offences referred to in subsection (1) are—

- 1971 c. 48.
S.I. 1977 No. 426
(N.I. 1).
- (a) an offence under section 2 of the Explosive Substances Act 1883;
 - (b) an offence under section 1 of the Criminal Damage Act 1971;
 - (c) an offence under article 3 of the Criminal Damage (Northern Ireland) Order 1977; and
 - (d) wilful fire-raising.

(3) In this section—

“relevant premises” means premises at which a UN worker resides or is staying or which a UN worker uses for the purpose of carrying out his functions as such a worker; and

“vehicle” includes any means of conveyance.

Threats of attacks
on UN workers.

3.—(1) If a person in the United Kingdom or elsewhere contravenes subsection (2) he shall be guilty of an offence.

(2) A person contravenes this subsection if, in order to compel a person to do or abstain from doing any act, he—

(a) makes to a person a threat that any person will do an act which is—

(i) an offence mentioned in section 1(2) against a UN worker, or

(ii) an offence mentioned in subsection (2) of section 2 in connection with such an attack as is mentioned in subsection (1) of that section, and

(b) intends that the person to whom he makes the threat shall fear that it will be carried out.

(3) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term—

(a) not exceeding ten years, and

(b) not exceeding the term of imprisonment to which a person would be liable for the offence constituted by doing the act threatened at the place where the conviction occurs and at the time of the offence to which the conviction relates.

Meaning of UN
worker.

4.—(1) For the purposes of this Act a person is a UN worker, in relation to an alleged offence, if at the time of the alleged offence—

(a) he is engaged or deployed by the Secretary-General of the United Nations as a member of the military, police or civilian component of a UN operation,

(b) he is, in his capacity as an official or expert on mission of the United Nations, a specialised agency of the United Nations or the International Atomic Energy Agency, present in an area where a UN operation is being conducted,

(c) he is assigned, with the agreement of an organ of the United Nations, by the Government of any State or by an international governmental organisation to carry out activities in support of the fulfilment of the mandate of a UN operation,

(d) he is engaged by the Secretary-General of the United Nations, a specialised agency or the International Atomic Energy Agency to carry out such activities, or

- (e) he is deployed by a humanitarian non-governmental organisation or agency under an agreement with the Secretary-General of the United Nations, with a specialised agency or with the International Atomic Energy Agency to carry out such activities.

(2) Subject to subsection (3), in this section “UN operation” means an operation—

- (a) which is established, in accordance with the Charter of the United Nations, by an organ of the United Nations,
- (b) which is conducted under the authority and control of the United Nations, and
- (c) which—
- (i) has as its purpose the maintenance or restoration of international peace and security, or
 - (ii) has, for the purposes of the Convention, been declared by the Security Council or the General Assembly of the United Nations to be an operation where there exists an exceptional risk to the safety of the participating personnel.

(3) In this section “UN operation” does not include any operation—

- (a) which is authorised by the Security Council of the United Nations as an enforcement action under Chapter VII of the Charter of the United Nations,
- (b) in which UN workers are engaged as combatants against organised armed forces, and
- (c) to which the law of international armed conflict applies.

(4) In this section—

“the Convention” means the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly of the United Nations on 9th December 1994; and

“specialised agency” has the meaning assigned to it by Article 57 of the Charter of the United Nations.

(5) If, in any proceedings, a question arises as to whether—

- (a) a person is or was a UN worker, or
- (b) an operation is or was a UN operation,

a certificate issued by or under the authority of the Secretary of State and stating any fact relating to the question shall be conclusive evidence of that fact.

5.—(1) Proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978 and the Nuclear Material (Offences) Act 1983) would not be an offence apart from section 1, 2 or 3 above shall not be begun—

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

Provisions supplementary to sections 1 to 3.
1978 c. 17.
1978 c. 26.
1983 c. 18.

1978 c. 17.
1978 c. 26.
1983 c. 18.

(2) Without prejudice to any jurisdiction exercisable apart from this subsection, every sheriff court in Scotland shall have jurisdiction to entertain proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, the Suppression of Terrorism Act 1978 and the Nuclear Material (Offences) Act 1983)) would not be an offence in Scotland apart from section 1, 2 or 3 above.

(3) A person is guilty of an offence under, or by virtue of, section 1, 2 or 3 regardless of his nationality.

(4) For the purposes of those sections, it is immaterial whether a person knows that another person is a UN worker.

Extradition.
1870 c. 52.

6.—(1) The offences to which an Order in Council under section 2 of the Extradition Act 1870 can apply shall include offences under section 3 of this Act.

1989 c. 33.

(2) In section 22 of the Extradition Act 1989 (extension of purposes of extradition for offences under Acts giving effect to international Conventions)—

(a) in subsection (2), after paragraph (k) there shall be inserted—

“(l) the Convention on the Safety of United Nations and Associated Personnel adopted by the General Assembly of the United Nations on 9th December 1994 (“the UN Personnel Convention”).”, and

(b) in subsection (4), after paragraph (k) there shall be inserted—

“(l) in relation to the UN Personnel Convention—

(i) an offence mentioned in section 1(2) of the United Nations Personnel Act 1997 which is committed against a UN worker within the meaning of that Act;

(ii) an offence mentioned in subsection (2) of section 2 of that Act which is committed in connection with such an attack as is mentioned in subsection (1) of that section; and

(iii) an offence under section 3 of that Act.”

(3) In Schedule 1 to that Act (provisions deriving from Extradition Act 1870 and associated enactments), in paragraph 15 (deemed extension of jurisdiction of foreign states), after paragraph (m) there shall be inserted—

“; or

(n) an offence mentioned in section 1(2) of the United Nations Personnel Act 1997 which is committed against a UN worker within the meaning of that Act; or

(o) an offence mentioned in subsection (2) of section 2 of that Act which is committed in connection with such an attack as is mentioned in subsection (1) of that section;

(p) an offence under section 3 of that Act;

(q) an attempt to commit an offence mentioned in paragraph (n), (o) or (p).”

Consequential
amendments.

7. The Schedule to this Act (consequential amendments) shall have effect.

8. In this Act—

“act” includes omission; and

“UN worker” has the meaning given in section 4.

Interpretation.

9.—(1) This Act extends to Northern Ireland.

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

Extent.

10.—(1) This Act may be cited as the United Nations Personnel Act 1997.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

Short title and commencement.

SCHEDULE

CONSEQUENTIAL AMENDMENTS

Visiting Forces Act 1952 (c. 67)

1.—(1) The Schedule to the Visiting Forces Act 1952 (which specifies the offences which are offences against the person and against property for the purposes of section 3 of that Act) shall be amended as follows.

(2) In paragraph 1, after sub-paragraph (d) there shall be inserted—

“(e) an offence of making such a threat as is mentioned in section 3 of the United Nations Personnel Act 1997 and any of the following offences against a UN worker within the meaning of that Act—

- (i) an offence of kidnapping;
- (ii) an offence of false imprisonment;
- (iii) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to endanger life.”;

(3) In paragraph 2, after sub-paragraph (d) there shall be inserted—

“(e) an offence of making such a threat as is mentioned in section 3 of the United Nations Personnel Act 1997 and an offence of causing an explosion likely to endanger life, committed against a UN worker (within the meaning of that Act), under section 2 of the Explosive Substances Act 1883.”;

(4) In paragraph 3, after sub-paragraph (k) there shall be inserted—

“(l) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property in connection with such an attack as is mentioned in section 2(1) of the United Nations Personnel Act 1997.”;

(5) in paragraph 4, after sub-paragraph (d) there shall be inserted—

“(e) any of the following offences in connection with such an attack as is mentioned in section 2(1) of the United Nations Personnel Act 1997—

- (i) an offence of wilful fireraising;
- (ii) an offence under section 2 of the Explosive Substances Act 1883 of causing an explosion likely to cause serious injury to property.”.

Internationally Protected Persons Act 1978 (c. 17)

2. In section 2 of the Internationally Protected Persons Act 1978 (supplementary provision about proceedings for offences under that Act), in subsections (1) and (2) for “and the Nuclear Material (Offences) Act 1983” there shall be substituted “, the Nuclear Material (Offences) Act 1983 and the United Nations Personnel Act 1997”.

Suppression of Terrorism Act 1978 (c. 26)

3. In section 4 of the Suppression of Terrorism Act 1978 (jurisdiction in respect of certain offences committed outside the United Kingdom), in subsections (4) and (5) for “and the Nuclear Material (Offences) Act 1983” there shall be substituted “, the Nuclear Material (Offences) Act 1983 and the United Nations Personnel Act 1997”.

SCH.

Nuclear Material (Offences) Act 1983 (c. 18)

4. In section 3 of the Nuclear Material (Offences) Act 1983 (supplementary provision about proceedings for offences under that Act), in subsections (1) and (2) for “and the Suppression of Terrorism Act 1978” there shall be substituted “, the Suppression of Terrorism Act 1978 and the United Nations Personnel Act 1997”.

© Crown copyright 1997

Printed in the UK by The Stationery Office Limited
under the authority and superintendence of Peter Macdonald, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

Published by The Stationery Office Limited

and available from:

The Publications Centre

(Mail, telephone and fax orders only)
PO Box 276, London SW8 5DT
General enquiries 0171 873 0011
Telephone orders 0171 873 9090
Fax orders 0171 873 8200

The Stationery Office Bookshops

49 High Holborn, London WC1V 6HB
(counter service and fax orders only)
Fax 0171 831 1326

68-69 Bull Street, Birmingham B4 6AD
0121 236 9696 Fax 0121 236 9699

33 Wine Street, Bristol BS1 2BQ
01179 264306 Fax 01179 294515

9-21 Princess Street, Manchester M60 8AS
0161 834 7201 Fax 0161 833 0634

16 Arthur Street, Belfast BT1 4GD
0123 223 8451 Fax 0123 223 5401

The Stationery Office Oriol Bookshop
The Friary, Cardiff CF1 4AA

01222 395548 Fax 01222 384347

71 Lothian Road, Edinburgh EH3 9AZ
(counter service only)

In addition customers in Scotland may mail,
telephone or fax their orders to:

Scottish Publication Sales,
South Gyle Créscent, Edinburgh EH12 9EB
0131 479 3141 Fax 0131 479 3142

The Parliamentary Bookshop

12 Bridge Street, Parliament Square,
London SW1A 2JX

Telephone orders 0171 219 3890

General enquiries 0171 219 3890

Fax orders 0171 219 3866

Accredited Agents

(see Yellow Pages)

and through good booksellers

LONDON: THE STATIONERY OFFICE

ISBN 0-10-541397-6



9 780105 413974