



Jersey

UNITED NATIONS PERSONNEL (JERSEY) ORDER 1998

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APPENDIX



UNITED NATIONS PERSONNEL (JERSEY) ORDER 1998

Jersey Order in Council 17/1998

THE UNITED NATIONS PERSONNEL (JERSEY) ORDER 1998

(Registered on the 26th day of June 1998)

At the Court at Buckingham Palace

19th day of May 1998

PRESENT

The Queen's Most Excellent Majesty in Council

HER MAJESTY, in pursuance of section 9(2) of the United Nations Personnel Act 1997, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows –

Citation and commencement

1. This Order may be cited as the United Nations Personnel (Jersey) Order 1998 and shall come into force on 20th July 1998.

Extension

2. Sections 1 to 8 of, and the Schedule to, the United Nations Personnel Act 1997 shall extend to the Bailiwick of Jersey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

N.H. NICHOLLS
Clerk of the Privy Council.

*SCHEDULE***(Article 2)****EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS TO THE PROVISIONS OF THE
UNITED NATIONS PERSONNEL ACT 1997 WHICH ARE EXTENDED TO THE BAILIWICK
OF JERSEY BY THIS ORDER**

1. In section 1 (attacks on UN workers) –
 - (a) in subsection (1) –
 - (i) after the words “United Kingdom”, where they first occur, there shall be inserted the words “and the Bailiwick of Jersey”;
 - (ii) for the words “any part of the United Kingdom” there shall be substituted the words “the Bailiwick of Jersey”; and
 - (iii) for the words “that part of the United Kingdom” there shall be substituted the words “the Bailiwick of Jersey”; and
 - (b) in subsection 2 –
 - (i) for paragraph (b) there shall be substituted the following paragraph –

“(b) grave and criminal assault or any attempt thereat;” and
 - (ii) in paragraph (c), for the words from “section 2” to the end there shall be substituted the words “Article 2 of the *Loi* (1884) *sur les matières explosives*, as amended”.
2. In section 2 (attacks in connection with premises and vehicles) –
 - (a) in subsection (1) –
 - (i) after the words “United Kingdom”, where they first occur, there shall be inserted the words “and the Bailiwick of Jersey”;
 - (ii) for the words “any part of the United Kingdom” there shall be substituted the words “the Bailiwick of Jersey”; and
 - (iii) for the words “that part of the United Kingdom” there shall be substituted the words “the Bailiwick of Jersey”; and
 - (b) in subsection (2) –
 - (i) in paragraph (a), for the words from “section 2” to the end there shall be substituted the words “Article 2 of the *Loi* (1884) *sur les matières explosives*, as amended”;

- (ii) for paragraph (b), there shall be substituted the following paragraph –

“(b) maliciously destroying or damaging property;”;

- (iii) paragraph (c) shall be omitted; and

- (iv) in paragraph (d), for the words “wilful fire-raising” there shall be substituted the word “arson”.

3. In section 3 (threats of attacks on UN workers) –

- (a) in subsection (1), for the words “United Kingdom” there shall be substituted the words “the Bailiwick of Jersey”; and
- (b) in subsection (3), the words “on indictment” shall be omitted.

4. In section 5 (provisions supplementary to sections 1 to 3) –

- (a) in subsection (1) –

- (i) after the words “Protected Persons Act 1978,” there shall be inserted the words “as extended to the Bailiwick of Jersey by the Internationally Protected Persons Act 1978 (Jersey) Order 1979,”;
- (ii) after the words “Terrorism Act 1978”, there shall be inserted the words “, as it has effect in the Bailiwick of Jersey under the Suppression of Terrorism Act 1978 (Jersey) Order 1978,”;
- (iii) after the words “(Offences) Act 1983”, there shall be inserted the words “, as extended to the Bailiwick of Jersey by the Nuclear Material (Offences) Act 1983 (Jersey) Order 1991”; and
- (iv) for paragraphs (a) and (b) there shall be substituted the following words –

“except by or with the consent of the Attorney General for Jersey.”;
and

- (b) subsection (2) shall be omitted.

5. In section 6 (extradition), at the end of subsection (1), there shall be added the words “as this Act has effect in the United Kingdom”.

6. In the Schedule (consequential amendments) –

- (a) paragraph 1 shall be omitted;
- (b) in paragraph 2 (consequential amendments to the Internationally Protected Persons Act 1978) –

- (i) after the words “Act 1978”, there shall be inserted the words “as extended to the Bailiwick of Jersey by the Internationally Protected Persons Act 1978 (Jersey) Order 1979”; and
- (ii) the words “in subsections (1) and (2)” shall be omitted;
- (c) in paragraph 3 (consequential amendments to the Suppression of Terrorism Act 1978) –
 - (i) after the words “Act 1978”, there shall be inserted the words “as that Act has effect in the Bailiwick of Jersey under the Suppression of Terrorism Act 1978 (Jersey) Order 1978”; and
 - (ii) for the words “subsections (4) and (5)” there shall be substituted the words “subsection (4)”; and
- (d) in paragraph 4 (consequential amendments to the Nuclear Material (Offences) Act 1983) –
 - (i) after the words “Act 1983”, there shall be inserted the words “as extended to the Bailiwick of Jersey by the Nuclear Material (Offences) Act 1983 (Jersey) Order 1991”; and
 - (ii) for the words “subsections (1) and (2)” there shall be substituted the words “subsection (1)”.

UNITED NATIONS PERSONNEL ACT 1997**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. * * * * *
10. * * * * *

SCHEDULE:

Consequential Amendments.

ELIZABETH II**UNITED NATIONS PERSONNEL ACT 1997****1997 CHAPTER 13**

AN ACT to enable effect to be give 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 follows² –

Attacks on UN workers

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

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

(a) murder, manslaughter, culpable homicide, rape, assault causing injury, kidnapping, abduction and false imprisonment;

[(b) grave and criminal assault or any attempt thereat;]

(c) and offence under [Article 2 of the *Loi* (1884) *sur les matières explosives*, as amended].

Attacks in connection with premises and vehicles

2.-(1) If a person does outside the United Kingdom [and the Bailiwick of Jersey] 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 [the Bailiwick of Jersey], would have made him guilty of any of the offences mentioned in subsection (2), he shall in [the Bailiwick of Jersey] be guilty of that offence.

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

² Deletions and words in square brackets indicate adaptations and modifications made by the United Nations Personnel (Jersey) Order 1998.

- (a) an offence under [Article 2 of the *Loi* (1884) *sur les matières explosives*, as amended];

[(b) maliciously destroying or damaging property;]

- (c) * . * * * *

- (d) [arson].

- (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 [Bailiwick of Jersey] 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 * * * 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.

Provisions supplementary to sections 1 to 3

5.-(1) Proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978, [as extended to the Bailiwick of Jersey by the Internationally Protected Persons Act 1978 (Jersey) Order 1979,] the Suppression of Terrorism Act 1978[, as it has effect in the Bailiwick of Jersey under the Suppression of Terrorism Act 1978 (Jersey) Order 1978,] and the Nuclear Material (Offences) Act 1983 [, as extended to the Bailiwick of Jersey by the Nuclear Material (Offences) Act 1983 (Jersey) Order 1991] would not be an offence apart from section 1, 2 or 3 above shall not be begun [except by or with the consent of the Attorney General for Jersey.]

(2) * * * * *

(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

6.-(1) The offences to which an Order in Council under section 2 of the Extradition Act 1870 can apply include offences under section 3 of this Act [as this Act has effect in the United Kingdom].

(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 –

“(1) 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 –

“(1) 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.

Interpretation

8. In this Act –

“act” includes omission; and

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

9. * * * * *

10. * * * * *

*SCHEDULE***(Section 7)****CONSEQUENTIAL AMENDMENTS***Visiting Forces Act 1952 (c. 67)*

1. * * * * *

Internationally Protected Persons Act 1978 (c. 17)

2. In section 2 of the Internationally Protected Persons Act 1978 [as extended to the Bailiwick of Jersey by the Internationally Protected Persons Act 1978 (Jersey) Order 1979] (supplementary provision about proceedings for offences under that Act), * * * 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 [as that Act has effect in the Bailiwick of Jersey under the Suppression of Terrorism Act 1978 (Jersey) Order 1978] (jurisdiction in respect of certain offences committed outside the United Kingdom), in [subsection 4] 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”.

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

4. In section 3 of the Nuclear Material (Offences) Act 1983 [as extended to the Bailiwick of Jersey by the Nuclear Material (Offences) Act 1983 (Jersey) Order 1991] (supplementary provision about proceedings for offences under that Act), in [subsection (1)] 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”.