



MONTSERRAT

CHAPTER 13.03

UNITED NATIONS PERSONNEL ACT

Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

UNITED NATIONS PERSONNEL ACT

Act 5 of 1998 .. in force 24 November 1998

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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UNITED NATIONS PERSONNEL ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 13.03

UNITED NATIONS PERSONNEL ACT

(Acts 5 of 1998 and 9 of 2011)

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.

Commencement

[24 November 1998]

Short title

1. This Act may be cited as the United Nations Personnel Act.

Interpretation

2. In this Act—

“act” includes omission; and

“UN worker” has the meaning given in section 6.

Attacks on UN workers

3. (1) If a person does outside Montserrat any act to or in relation to a UN worker which, if he had done in Montserrat would have made him guilty of any of the offences mentioned in subsection (2), he shall 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) an offence under section 168, 169, 171, 172, 173, 174, 176, 177, 178, 179, 190 or 191 of the Penal Code;
- (c) an offence under section 2 of the Explosive Substances Act 1883.

Attacks in connection with premises and vehicles

4. (1) If a person does outside Montserrat 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 Montserrat would have made him guilty of any of the offences mentioned in subsection (2), he shall in Montserrat be guilty of that offence.

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

- (a) an offence under section 2 of the Explosive Substance Act 1883;
- (b) an offence under section 1 of the Criminal Damage Act 1971; and
- (c) 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

5. (1) If a person in Montserrat 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 3(2) against a UN worker; or
 - (ii) an offence mentioned in section 4(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) of 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

6. (1) For the purpose 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 section 1 to 3

7. (1) Proceedings for an offence which (disregarding the provisions of the Internationally Protected Persons Act 1978 and the Suppression of Terrorism Act 1978) would not be an offence apart from section 3, 4 or 5 above shall not be begun in Montserrat, except by or with the consent of the Director of Public Prosecutions. (*Amended by Act 9 of 2011*)

(2) A person is guilty of an offence under, or by virtue of sections 3, 4 and 5 regardless of his nationality.

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

Extradition

8. The offences to which an Order in Council under section 2 of the Extradition Act 1870 can apply shall include offences under section 5 of this Act.
