

UNITED NATIONS (POLICE) BILL

EXPLANATORY NOTE

THE purpose of this Bill is to give effect to an arrangement whereby members of the United Nations force in Cyprus are not subject to the local laws on the understanding that effective jurisdiction in respect of offences may be exercised by the Courts of the country of the offender. Special legislation is required in New Zealand because the Police, although members of the United Nations force, are not subject to military law and there is no New Zealand military force to which they can be attached for the purposes of discipline.

Clause 3 provides that the proposed Act will apply to acts or omissions by members of the Police while members of a unit of the Police forming part of a United Nations force.

Clause 4 provides that if a member of the Police does or omits any act referred to in *clause 3* out of New Zealand which would be a crime if done or omitted in New Zealand, he may be tried and punished as if the act had been done or omitted in New Zealand. The consent of the Attorney-General will be required before any proceedings are instituted.

Clause 5 provides for the arrest and detention of offenders.

Clause 6 provides that where a member of the Police does or omits any act which, if done or omitted in New Zealand, would make him liable to disciplinary action under the Police Act 1958, he may be proceeded against under that Act.

Clause 7 provides that the proposed Act shall not limit or affect the provisions of any enactment relating to the liability of persons in respect of acts done beyond New Zealand.

Right Hon. Mr Holyoake

UNITED NATIONS (POLICE)

ANALYSIS

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A BILL INTITULED

An Act to confer jurisdiction on the Courts of New Zealand in respect of acts or omissions of members of the Police while outside New Zealand as members of a unit of the Police forming part of a United Nations force and to provide for the discipline of such members in respect of misconduct or neglect of duty

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
10 as follows:

1. Short Title and commencement—(1) This Act shall be cited as the United Nations (Police) Act 1964.

(2) This Act shall be deemed to have come into force on the fourteenth day of May, nineteen hundred and sixty-four.

2. Interpretation—In this Act, unless the context otherwise requires, “the Police” means the Police of New Zealand.

3. Application of Act—(1) This Act applies to any act done or omitted outside New Zealand by any member of the Police while he is a member of a unit of the Police forming part of a United Nations force. 5

(2) For the purposes of this section a unit of the Police shall be deemed to form part of a United Nations force from the time the unit leaves New Zealand to undertake duties with that force until the unit returns to New Zealand. 10

4. Trial in New Zealand in respect of crimes committed outside New Zealand—(1) Subject to the provisions of this Act, where any member of the Police does or omits any act to which this Act applies, and that act or omission would, if it occurred in New Zealand, be a crime under any enactment, whether passed before or after the passing of this Act, he commits a crime and is liable to be proceeded against and punished in the same manner in all respects as if the act or omission had occurred in New Zealand; and the Courts of New Zealand shall have jurisdiction accordingly. 15 20

(2) Notwithstanding anything in any other enactment, proceedings for the trial and punishment of any member of the Police shall not be instituted under this Act in any Court except with the consent of the Attorney-General and on his certificate that it is expedient that the proceedings should be instituted. 25

Provided that a member may be arrested and detained in custody notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the crime has not been obtained. 30

5. Arrest and detention of offender—(1) The provisions of the Crimes Act 1961 relating to arrest shall apply in respect of the arrest of any member of the Police for any act or omission to which this Act applies in all respects as if the act or omission had occurred in New Zealand. 35

(2) Any member of the Police arrested under this section may be detained and held in custody until such time as he can be dealt with according to law.

5 **6. Misconduct or neglect of duty**—Where any member of the Police does or omits any act to which this Act applies, and that act or omission would, if it occurred in New Zealand, be misconduct or neglect of duty for the purposes of the Police Act 1958, he may be charged under that Act and proceeded against and punished in the same manner in all respects as if the act or omission had occurred in New Zealand.

10 **7. Saving of jurisdiction**—Nothing in this Act shall limit or affect the provisions of any enactment or rule of law relating to the liability of persons in respect of acts done or omitted beyond New Zealand.