1954 No. 636

The Visiting Forces Act (Application to Colonies) Order, 1954

Made - - - - 13*th May,* 1954
Coming into Operation 12*th June.* 1954

At the Court of Saint James, the 13th day of May, 1954

Present.

Her Majesty Queen Elizabeth The Queen Mother.
Her Royal Highness The Princess Margaret.
His Royal Highness The Duke of Gloucester.

Lord President	**Sir Walter Monckton**
Earl Alexander of Tunis	**Mr. Macleod**

Whereas Her Majesty, in pursuance of the Regency Acts, 1937 to 1953, was pleased, by Letters Patent dated the twentieth day of November, 1953, to delegate to Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret, His Royal Highness The Duke of Gloucester, Her Royal Highness The Princess Royal and the Earl of Harewood, or any two or more of them, as Counsellors of State, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval of anything for which Her Majesty's approval in Council is required:

And Whereas it is expedient to extend the Visiting Forces Act, 1952(a), (in this Order referred to as "the Act") to the territories mentioned in the First Schedule to this Order;

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret and His Royal Highness The Duke of Gloucester, being authorised thereto by the said Letters Patent and in exercise of the powers conferred on Her Majesty by subsection (1) of section 15 of the Act do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Visiting Forces Act (Application to Colonies) Order, 1954, and shall come into operation on the twelfth day of June, 1954.

2. Subject to the adaptations, modifications and exceptions specified in the Second Schedule to this Order, the provisions of the Act other than section 15 thereof shall extend to the territories mentioned in the First Schedule to this Order.

3.—(1) In this Order the expression "territory" means a territory mentioned in the First Schedule to this Order and in the application of the Act under this Order to any territory "the Territory" means that territory.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c 67.

(2) The Interpretation Act, 1889(a), shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

W. G. Agnew.

FIRST SCHEDULE

Aden (Colony and Protectorate).
Cyprus.
Fiji.
Gibraltar.
Hong Kong.
Malta.
Singapore.

(Reference in this Schedule to any territory of which there are dependencies shall be construed as including a reference to such dependencies.)

SECOND SCHEDULE

Adaptations, Modifications and Exceptions to be made in the Application of the Act to the Territory

1.—(1) For the words "United Kingdom" wherever they occur there shall be substituted the word "Territory" except—

(i) in paragraph (*a*) of sub-section (1) of section 10;

(ii) in the expression "citizen of the United Kingdom and Colonies";

(iii) in the expression "Her Majesty's Government in the United Kingdom"; and

(iv) in any other context in which the following provisions of this Schedule otherwise require.

(2) For the words "United Kingdom court" wherever they occur there shall be substituted the words "court of the Territory".

(3) For the words "United Kingdom law" wherever they occur except in sub-section (4) of section 10 there shall be substituted the words "the law of the Territory".

(4) For the words "the Secretary of State", "the Minister of Defence" or "the said Minister", wherever they occur there shall be substituted the words "the Governor".

2.—(1) For paragraph (*b*) of sub-section (1) of section 1 there shall be substituted the following paragraph:—

"(*b*) Any country which, by Order in Council under the next following sub-section, is designated in respect of the Territory for the purposes of that provision".

(2) In sub-section (2) of section 1 immediately after the words "should have effect" there shall be inserted the words "in the Territory"; and for the words "Her Majesty may by Order in Council designate that country for the purposes of the provisions in question" there shall be substituted the words "Her Majesty may by Order in Council designate that country in respect of the Territory for the purposes of the provisions in question".

(3) In sub-section (3) of section 1 immediately after the words "in so far as this Act has effect" there shall be inserted the words "in the Territory".

(4) Sub-section (4) of section 1 shall be omitted.

3.—(1) In sub-section (1) of section 2 for the words "any of Her Majesty's ships or aircraft" there shall be substituted the words "any ships or aircraft belonging to Her Majesty in right of the Territory".

(a) 52 & 53 Vict. c. 63.

(2) For sub-section (6) of section 2 there shall be substituted the following sub-section—

"(6) For the purpose of enabling the service courts and service authorities of a country to which this section applies to exercise more effectively the powers referred to in sub-section (1) of this section, the Governor may, if so requested by the appropriate authority of that country, from time to time by general or special orders direct members of United Kingdom forces or local forces to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country and to hand him over to such service authority of that country as may be designated by or under the orders."

4.—(1) Save as otherwise provided by sub-paragraph (2) of this paragraph, in paragraph (*a*) of sub-section (3) of section 3 for the words "the Director of Public Prosecutions (in the case of a court in England or Wales), the Lord Advocate (in the case of a court in Scotland) or the Attorney General for Northern Ireland (in the case of a court in Northern Ireland)" there shall be substituted the words "the Governor".

(2) In the application of the Act to Fiji, Gibraltar and Hong Kong for the words in paragraph (*a*) of sub-section (3) of section 3 that are referred to in sub-paragraph (1) of this paragraph there shall be substituted the words "the Attorney General".

(3) For sub-section (6) of section 3 the following sub-section shall be substituted.

"(6) In this section the expressions "offence against the person" and "offence against property" shall be construed as meaning offences against the law of the Territory which are analogous to offences within the meaning of those expressions construed in accordance with paragraphs 1 and 3 of the Schedule to this Act:

Provided that, if the legislature of the Territory, for the removal or avoidance of doubts, provide by law that a specified offence against the law of the Territory is analogous as aforesaid, the provision so made shall in relation to the Territory, have effect as if it formed part of this sub-section."

5.—(1) In sub-section (2) of section 5—

(*a*) for the words "a constable" there shall be substituted the words "a member of the police force of the Territory";

(*b*) for the words and figures "section thirty-eight of the Summary Jurisdiction Act, 1879" there shall be substituted the words "any law of the Territory";

(*c*) for the words "a court of summary jurisdiction", wherever they occur, there shall be substituted the words "a court of the Territory";

(*d*) for the words "the said section thirty-eight" there shall be substituted the words "the law of the Territory".

(2) Sub-sections (3) and (4) of section 5 shall be omitted.

6. For sub-sections (4), (5), (6) and (7) of section 7 there shall be substituted the following sub-sections:—

"(4) Any law of the Territory restricting the removal out of the Territory of the body of a deceased person shall not apply to the body of a person who at the time of his death had a relevant association with a visiting force:

Provided that this sub-section shall not apply as respects the body of a person concerning whose death, by virtue of a direction of the Governor under sub-section (1) or (3) of this section, an inquest is required to be held or, if begun, is required to be resumed.

(5) Notwithstanding anything in any law of the Territory relating to certificates to be given to persons giving information concerning deaths, a certificate shall not be given under such law to the person giving information concerning a death if that person states that the body is one as respects which the last

foregoing sub-section has effect and that it is proposed to remove the body out of the Territory.

(6) in this section—

"coroner" includes any person having jurisdiction in the Territory to hold an inquest;

references to an inquest shall be construed as including references to an inquiry; and

"homicide" includes the offences of murder, manslaughter and infanticide, any offence under the law of the Territory which is analogous to the offence of murder, manslaughter or infanticide, and any offence under the law of the country in question which is analogous to any of the offences aforesaid."

7. In section 8—

(*a*) for the words "Her Majesty may by Order in Council" wherever those words occur there shall be substituted the words "the Governor may by order";

(*b*) for the words "home forces" wherever those words occur there shall be substituted the words "United Kingdom forces or local forces";

(*c*) in sub-section (4) for the words "An Order in Council" there shall be substituted the words "An order" and for the words "Her Majesty in Council" there shall be substituted the words "the Governor";

(*d*) sub-section (5) and (6) shall be omitted; and

(*e*) for sub-section (7) there shall be substituted the following sub-section:—

"(7) In this section—

"enactment" means any law enacted by the legislature of the Territory whether passed before or after the passing of this Act, and includes any instrument having effect under an enactment;

"property" includes both immovable and movable property".

8.—(1) Subject to sub-paragraph (2) of this paragraph in sub-section (1) of section 9 for the words "defrayed out of moneys provided by Parliament" there shall be substituted the words "charged on the revenues of the Territory".

(2) In the application of the Act to Malta sub-section (1) of section 9 shall have effect as if all words in that sub-section which follow the words "as may be provided by the arrangements" were omitted.

9. In sub-section (4) of section 10 for the words "United Kingdom law" there shall be substituted the words "law of the Territory".

10. In sub-section (1) of section 12—

(*a*) the definition of "Her Majesty's ships or aircraft" shall be omitted;

(*b*) the definition of "home forces" shall be omitted and the following definition shall be inserted immediately after the definition of "service law":—

'"United Kingdom forces" means any of the forces of Her Majesty raised in the United Kingdom and for the time being serving in the Territory'.

(*c*) immediately before the definition of "member" there shall be inserted the following definition:—

"Local forces" means any of the forces raised in a colony, a protectorate or protected state within the meaning of the British Nationality Act, 1948, or a United Kingdom trust territory as defined in that Act and includes any police force or other body raised in the Territory which, by virtue of any law of the Territory, has become a naval, military or air force;

11.—(1) In sub-sections (1) to (3) of section 13 the references to paragraph (9) of section one hundred and fifty-four of the Army Act and the proviso to sub-section (1), shall be omitted; and

(2) For sub-section (4) of section 13 there shall be substituted the following sub-section:—

(4)—(*a*) Subject to the provisions of paragraph (*b*) of this sub-section, section one hundred and thirty-five of the Army Act (which provides

that arrangements may be made for the reception in any prison in a colony of prisoners, deserters or absentees without leave, and that the governor of any prison to which any such arrangement relates shall be under the same obligation as the governor of a prison in the United Kingdom to receive and detain such prisoners, deserters and absentees without leave) shall within the Territory apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as it applies in relation to deserters and absentees without leave from Her Majesty's service.

(*b*) For the purpose of the application within the Territory of the said section one hundred and thirty-five of the Army Act in relation to deserters and absentees without leave from the forces of a country to which this section applies (in this paragraph referred to as "the said country")—

(i) the reference in the said section one hundred and thirty-five to a Secretary of State, where that reference first occurs, shall be construed as if it were a reference to the appropriate authority of the said country; and

(ii) the references to deserters and absentees without leave in section one hundred and thirty-one of the Army Act (which imposes on the Governor of a prison in the United Kingdom duties as to the reception of prisoners, deserters and absentees without leave) shall be construed as including references to deserters and absentees without leave from the forces of the said country.

12. In paragraph (*a*) of section 14 for the words "the Secretary of the Admiralty, the Secretary of the Army Council or the Secretary of the Air Council" there shall be substituted the words "the Governor".

13.—(1) For sub-section (1) of section 17 there shall be substituted the following sub-section:—

"(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Attorney General" means the Attorney General of the Territory and any reference to the Attorney General shall be construed as including a reference to any person who is for the time being performing the functions of the Office of Attorney General.

"court of the Territory" means a court exercising jurisdiction in the Territory under the law of the Territory otherwise than by virtue of section 2 of this Act;

"forces", in relation to a country, means any of the naval, military or air forces of that country;

"Governor", means the person for the time being administering the government of the Territory;

"law of the Territory" means law in force in the Territory or in any part thereof;

"legislature of the Territory" includes any authority having power to make laws for the Territory;"

(2) In sub-section (5) of section 17 the words 'and in this subsection the expression "enactment" includes an enactment of the Parliament of Northern Ireland' shall be omitted.

14. Sub-section (2) of section 19 shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The purpose of this Order is to extend to the territories mentioned in the First Schedule the provisions of the Visiting Forces Act, 1952, subject to the adaptations, modifications and exceptions set out in the Second Schedule.