1954 No. 635

The Visiting Forces (Application of Law) Order, 1954

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

ARRANGEMENT OF ARTICLES

1. Citation and commencement.
2. Interpretation.
3. Application of Order.
4. Provision of supplies.
5. Provision of land.
6. Appointment of special constables.
7. Postal, telegraphic and wireless services.
8. Road vehicles.
9. Exemption from rating of certain premises.
10. Exemption from harbour dues.
11. Miscellaneous exemptions, immunities and privileges.
12. Witnesses before service courts, custody and detention of prisoners, etc.
13. Penalties for inducing or assisting desertion etc.
14. Application of certain provisions of Public Health Acts.
15. Application of Factories Acts.

Schedule I. Enactments relating to land.
II. Enactments to which general Crown privilege applies.
III. Enactments conferring specific exemptions, privileges etc.
IV. Provisions relating to service courts of visiting forces.
V. Custody, detention and treatment of persons sentenced by service courts of visiting forces.

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 a draft of this Order has in accordance with subsection (6) of section eight of the Visiting Forces Act, 1952(a), been laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother, Her Royal Highness The Princess Margaret and His Royal Highness The Duke of Gloucester, being authorized thereto by the said Letters Patent and in pursuance of section eight of the Visiting Forces Act, 1952, 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:—

Citation and commencement

1.—(1) This Order may be cited as the Visiting Forces (Application of Law) Order, 1954.

(2) This Order shall come into operation at the expiration of thirty days beginning with the day on which it is made.

Interpretation

2.—(1) The Interpretation Act, 1889(b), applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) Except where the context otherwise requires, any reference in this Order to any enactment is a reference thereto as amended by any other enactment and includes a reference thereto as applied by or incorporated with any other enactment.

Application of Order

3.—(1) The visiting forces to which this Order applies are those of Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon, the United States of America, France, Belgium, Norway and the Netherlands; and the expression "visiting force" shall be construed accordingly.

(2) The provisions of this Order shall be without prejudice to any enactment or rule of law which applies in relation to any such force as aforesaid as part of Her Majesty's forces.

Provision of supplies

4.—(1) For the purposes of the Ministry of Supply Act, 1939(c) (which enables the Minister of Supply to acquire, produce and dispose of articles required for the public service and to exercise certain other powers in relation to such articles), the expression "articles required for the public service" shall include articles required for the service of any visiting force; and the expression "works required for the public service" shall be construed accordingly.

(2) Notwithstanding any order made under the Ministers of the Crown (Transfer of Functions) Act, 1946(d), before the date on which this Order comes into force, any functions exercisable under the Ministry of Supply Act, 1939, in respect of articles or works required for the service of a visiting force shall be functions of the Minister of Supply.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
(b) 52 & 53 Vict. c. 63.
(c) 2 & 3 Geo. 6. c. 38.
(d) 9 & 10 Geo. 6. c. 31.

Provision of land

5.—(1) Any power exercisable in relation to land under the Defence Acts, the Military Lands Acts, 1892 to 1903, or Part VII of the Requisitioned Land and War Works Act, 1945(**a**), by the Admiralty, a Secretary of State or the Minister of Supply, or exercisable under Part VI of the said Act of 1945 by any Minister within the meaning of that Act, may be exercised for the purposes of any visiting force to the like extent as if that force formed part of each of the home forces; and accordingly—

(*a*) the enactments specified in the First Schedule to this Order shall have effect subject to the modifications set out in relation thereto in the second column of that Schedule; and

(*b*) any reference in those enactments, or in any other enactment referred to in this paragraph, to the public service shall be construed as including a reference to the service of any visiting force.

(2) In this Article "the Defence Acts" means the Defence Acts, 1842 to 1935, the Ordnance Board Transfer Act, 1855(**b**), section 7 of the Lands Clauses Consolidation Acts Amendment Act, 1860(**c**), the Admiralty Lands and Works Act, 1864(**d**), the Defence Act Amendment Act, 1864(**e**), section 7 of the Militia (Lands and Buildings) Act, 1873(**f**), and the Naval Works Act, 1895(**g**).

(3) Any reference in the said First Schedule to any expression contained in any enactment therein mentioned includes a reference to any other expression substituted therefor, whether expressly or by implication, and whether generally or for particular purposes, by any other enactment: but nothing in this Article shall affect the operation of any enactment (except Part VI of the Requisitioned Land and War Works Act, 1945) in its application to any Minister or department other than the Admiralty, a Secretary of State, or the Minister of Supply.

Appointment of special constables

6.—(1) The power conferred by section 3 of the Special Constables Act, 1923(**h**), and sub-paragraph (1) of paragraph 1 of the Second Schedule to the Emergency Laws (Miscellaneous Provisions) Act, 1947(**i**), to appoint persons nominated by the Admiralty, the Army Council or the Air Council to be special constables within the places, premises and limits described in those enactments respectively shall extend to the appointment of persons so nominated to be special constables in, and within fifteen miles of, any other premises in Great Britain which are for the time being in the possession or under the control of the service authorities of a visiting force, or are for the time being used for or in connection with the purposes of such a force, and subject to the following provisions of this Article the said enactments shall have effect accordingly.

(2) The proviso to section 2 of the Metropolitan Police Act, 1860(**j**) (which, as applied by the said section 3, limits the powers of special constables appointed thereunder), shall have effect as so applied as if the reference therein to the yards, naval and marine hospitals and infirmaries and marine barracks or stations included a reference to any such premises as are mentioned in the foregoing paragraph, and as if the references therein to

(**a**) 8 & 9 Geo. 6. c. 43.
(**b**) 18 & 19 Vict. c. 117
(**c**) 23 & 24 Vict. c. 106.
(**d**) 27 & 28 Vict. c. 57.
(**e**) 27 & 28 Vict. c. 89.
(**f**) 36 & 37 Vict. c. 68.
(**g**) 58 & 59 Vict. c. 35.
(**h**) 13 & 14 Geo. 5. c. 11.
(**i**) 11 & 12 Geo. 6. c. 10.
(**j**) 23 & 24 Vict. c. 135.

property of the Crown and to persons subject to naval or marine or military discipline included references to property of the service authorities of a visiting force and to persons subject to the service law of any such force.

(3) Sub-paragraph (2) of paragraph 1 of the Second Schedule to the Emergency Laws (Miscellaneous Provisions) Act, 1947 (which relates to the appointment in Northern Ireland of special constables nominated by the appropriate authority therein defined), shall have effect as if the premises therein mentioned included any premises in the possession or under the control of the service authorities of a visiting force, or used for the service of such a force; and in relation to any such premises the appropriate authority for the purposes of that sub-paragraph shall be the Admiralty or the Army Council or the Air Council.

(4) A special constable who, on the date on which this Order comes into operation, is authorised under the enactments mentioned in paragraphs (1) and (3) of this Article to act within any places, premises and limits described in those enactments may, without being further appointed or sworn for the purpose, act within any premises and limits for which special constables may be appointed by virtue of this Article.

Postal, telegraphic and wireless services

7. To such extent as may be provided by any agreement for the time being in force, being an agreement made by or on behalf of Her Majesty's Government in the United Kingdom with the service authorities of any visiting force or with the Government of the sending country of any such force, and subject to such conditions and restrictions as may be prescribed by any such agreement—

(*a*) letters conveyed, received, collected, sent, despatched or delivered by means of posts and post offices established in the United Kingdom by the service authorities of that force shall be excepted from the exclusive privileges of the Postmaster General under section 3 of the Post Office Act, 1953(**a**);

(*b*) telegrams transmitted within the United Kingdom by means of a telegraph maintained by the service authorities of that force shall be excepted from the exclusive privileges of the Postmaster General under section 4 of the Telegraph Act, 1869(**b**);

(*c*) the establishment and installation of stations or apparatus for wireless telegraphy for use by members of that force for service purposes in the course of their duty as such, and the use as aforesaid of such stations or apparatus, shall be excepted from the provisions of the Wireless Telegraphy Acts, 1904 to 1926, and Part I of the Wireless Telegraphy Act, 1949(**c**); and

(*d*) the use of any apparatus by members of that force for service purposes in the course of their duty as such shall be excepted from section 10 of the Wireless Telegraphy Act, 1949, and any regulations made thereunder.

Road vehicles

8.—(1) Except as provided by this Article, the Road Traffic Acts, 1930 to 1947, and Part I of the Road and Rail Traffic Act, 1933(**d**), shall not apply to any vehicle in the service of a visiting force, or to anything done or omitted in relation to any such vehicle by a person being a member of such a force when acting in the course of his duty as such.

(**a**) 1 & 2 Eliz. 2. c. 36.
(**b**) 32 & 33 Vict. c. 73.
(**c**) 12, 13 & 14 Geo. 6. c. 54.
(**d**) 23 & 24 Geo. 5. c. 53.

(2) Subsection (2) of section 121 of the Road Traffic Act, 1930(a) (which applies certain provisions of Parts I and III of that Act to vehicles and persons in the public service of the Crown), shall apply to vehicles in the service of a visiting force, and to persons described in the foregoing paragraph, as it applies to vehicles and persons in the public service of the Crown, but subject to the following modifications:—

(*a*) so much of that subsection as relates to the responsibility of a person nominated by the department in whose service a vehicle is used in respect of proceedings for an offence against a person other than the driver of the vehicle shall not apply; and

(*b*) in the proviso, the references to the Admiralty, the War Department, or the Air Ministry, to naval, military or air force purposes, and to the armed forces of the Crown shall be construed respectively as references to the service authorities of a visiting force, to the purposes of a visiting force, and to a visiting force.

(3) Duty shall not be chargeable under the Vehicles (Excise) Act, 1949(b), in respect of any vehicle in the service of a visiting force.

(4) In subsection (3) of section 1 of the Road Transport Lighting Act, 1927(c) (which enables the Minister of Transport and Civil Aviation to vary the requirements of that Act, or to grant exemption from those requirements, in the case of certain vehicles), any reference to vehicles used for naval, military or air force purposes shall include a reference to vehicles in the service of a visiting force.

(5) In the application of this Article to Northern Ireland, for the reference to the Road Traffic Acts, 1930 to 1947, and Part I of the Road and Rail Traffic Act, 1933, there shall be substituted a reference to Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930(d), and for the reference to the Vehicles (Excise) Act, 1949, there shall be substituted a reference to section 13 of the Finance Act, 1920(e); and without prejudice to the foregoing provision, the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1945, shall have effect in relation to any vehicle in the service of a visiting force, and to anything done or omitted in relation to any such vehicle by a person being a member of such a force when acting in the course of his duty as such, subject to such exemptions, immunities and privileges as would be available if that force formed part of a home force.

(6) In this Article "vehicle in the service of a visiting force" means a vehicle belonging to the service authorities of such a force and used for the purposes of such a force, and any other vehicle when used as aforesaid by a person subject to the orders of any member of such a force.

Exemption from rating of certain premises occupied by visiting forces

9.—(1) For the purposes of any enactment relating to rates within the meaning of the Rating and Valuation Act, 1925(f) (including any enactment with respect to valuation for the purposes of such rates), a hereditament which is occupied for the purposes of a visiting force in pursuance of arrangements made in that behalf with any Government department shall be treated as if it were occupied by or on behalf of the Crown for public purposes.

(2) In the application of the foregoing paragraph to Scotland, for the references to the Rating and Valuation Act, 1925, and to a hereditament, there shall

(a) 20 & 21 Geo. 5. c. 43.
(b) 12, 13 & 14 Geo. 6. c. 89.
(c) 17 & 18 Geo. 5. c. 37.
(d) 20 & 21 Geo. 5. c. 24 (N.I.).
(e) 10 & 11 Geo. 5. c. 18.
(f) 15 & 16 Geo. 5. c. 90.

be substituted respectively references to the Local Government (Scotland) Act, 1947(a), and to lands and heritages.

(3) The use or occupation for the purposes of a visiting force of any hereditament or tenement within the meaning of the Valuation Acts (Northern Ireland), 1852 to 1953, in pursuance of arrangements made in that behalf with any Government department shall be regarded as use and occupation of a public nature and for a public purpose, and the Commissioner of Valuation shall cause any such hereditament or tenement while so used or occupied to be distinguished accordingly under section 2 of the Valuation (Ireland) Act, 1854(b).

Exemption from harbour dues

10. In relation to the Harbours, Docks and Piers Clauses Act, 1847(c), and any special Act within the meaning of that Act, the members and persons employed in the service of a visiting force, and vessels, stores and goods in the service of or belonging to such a force, shall be entitled to the like exemptions and immunities as are enjoyed under section 28 of that Act by members of a home force, and vessels, stores and goods in the service of or belonging to Her Majesty for the purposes of such a force, but subject to the payment by the service authorities of the visiting force of such sums on account of rates and duties to which the said section 28 applies as would be payable under any agreement made on behalf of Her Majesty with respect to the payment of sums on account of such rates and duties if the visiting force formed part of the home forces.

Miscellaneous exemptions, immunities and privileges

11.—(1) Any exemption, immunity or privilege which subsists in respect of the enactments specified in the Second Schedule to this Order by virtue of the rule of law with respect to the application of enactments to the Crown shall extend to the service authorities and members of any visiting force, and to property held or used for the purposes of such a force, as if that force formed part of the home forces.

(2) Such of the provisions of the Acts mentioned in the first column of the Third Schedule to this Order as are specified in the second column of that Schedule (being provisions conferring specific exemptions, immunities or privileges on or in relation to the home forces, or regulating such exemptions, immunities or privileges) shall have effect, for the purpose of conferring corresponding exemptions, immunities or privileges on or in relation to visiting forces, subject to the modifications set out in relation thereto in that Schedule.

Witnesses before service courts, custody and detention of prisoners, etc.

12.—(1) The provisions of the Fourth Schedule to this Order shall have effect with respect to the attendance and conduct of witnesses required for the purposes of the service courts of visiting forces, the privileges of such witnesses and courts, and the administration of oaths therein.

(2) The provisions of the Fifth Schedule to this Order shall have effect with respect to the custody, detention and treatment of persons sentenced by such courts to imprisonment or detention.

Penalties for inducing or assisting desertion etc.

13. Section 153 of the Army Act(d) (which provides for the punishment on summary conviction of persons who procure or persuade officers or soldiers to desert or to absent themselves without leave, or who commit certain other offences connected with desertion or absence without leave),

(a) 10 & 11 Geo. 6. c. 43. (b) 17 & 18 Vict. c. 8. (c) 10 & 11 Vict. c. 27.
(d) 44 & 45 Vict. c. 58.

shall have effect as if any reference therein to an officer or soldier included a reference to a member of a visiting force.

Application of certain provisions of Public Health Acts

14.—(1) Section 146 of the Public Health Act, 1936(**a**) (which relates to the notification of certain diseases occurring in premises of the home forces), section 5 of the Local Government (Emergency Provisions) Act, 1916(**b**) (which makes corresponding provision in respect of premises in Scotland) and section 193 of the Public Health (London) Act, 1936(**c**) (which makes corresponding provision in respect of premises in London), shall have effect as if references therein to Her Majesty's forces, to a medical officer holding a commission in those forces, and to the Admiralty, the Army Council or the Air Council included respectively references to a visiting force, to a member of such a force, and to the service authorities of such a force.

(2) Section 106 of the Public Health Act, 1936 (which provides for the abatement of smoke nuisance on Crown premises), and section 154 of the Public Health (London) Act, 1936 (which makes corresponding provision in respect of premises in London), shall have effect as if the references therein to premises occupied for the public service of the Crown included references to any premises occupied for the service of a visiting force; and in relation to any such premises the references in those sections respectively to the appropriate Government department shall be construed as references to the Government department by arrangement with whom the premises are occupied.

Application of Factories Acts

15.—(1) Subsection (9) of section 151 of the Factories Act, 1937(**d**) (which provides for the application of that Act to premises, operations and works of the Crown and of certain other authorities notwithstanding that the work carried on is not carried on by way of trade or for purposes of gain), shall have effect as if references therein to the Crown included references to the service authorities of any visiting force.

(2) So much of subsection (1) of section 150 of the said Act as provides for the temporary exemption from that Act of factories, operations and works of the Crown, and subsection (2) of that section (which relates to the exercise of powers in respect of such factories, operations and works), shall apply in relation to any factories belonging to or occupied by the service authorities of a visiting force, and any operations or works undertaken by or on behalf of such authorities, as they apply in relation to factories belonging to or in the occupation of the Crown or operations or works undertaken by or on behalf of the Crown.

(3) The provisions of section 29 of the said Act (which relates to steam boilers) shall not apply to boilers belonging to the service authorities of a visiting force or exclusively used for the service of such a force.

(4) In the application of this Article to Northern Ireland, for references to the Factories Act, 1937, and to sections 29, 150 and 151 of that Act, there shall be substituted respectively references to the Factories Act (Northern Ireland), 1938(**e**), and to sections 30, 156 and 157 of that Act.

(5) Nothing in this Article shall affect any powers exercisable by the Minister of Labour and National Service or the Ministry of Labour and National Insurance for Northern Ireland under Regulation 59 of the Defence (General) Regulations, 1939.

W. G. Agnew.

(**a**) 26 Geo. 5. & 1 Edw. 8. c. 49. (**b**) 6 & 7 Geo. 5. c. 12.
(**c**) 26 Geo. 5. & 1 Edw. 8. c. 50. (**d**) 1 Edw. 8. & 1 Geo. 6. c. 67.
(**e**) 2 Geo. 6. c. 23 (N.I.).

FIRST SCHEDULE

ENACTMENTS RELATING TO LAND

The Defence Act, 1842, 5 & 6 Vict. c. 94.	Throughout the Act, any reference to the use or the service of the ordnance department or of the ordnance or barrack departments, or to the ordnance or barrack services, shall include a reference to the service of a visiting force.
The Lands Clauses Consolidation Acts Amendment Act, 1860, 23 & 24 Vict. c. 106.	In section 7, the reference to the service of the Admiralty or of the War Department shall include a reference to the service of a visiting force.
The Admiralty Lands and Works Act, 1864, 27 & 28 Vict. c. 57.	In section 3, the reference to Her Majesty's Naval Service shall include a reference to the service of a visiting force.
The Military Lands Act, 1892, 55 & 56 Vict. c. 43.	Throughout the Act, the expression " military purposes " (except where used in relation to the acquisition of land by or on behalf of the Royal Naval Volunteer Reserve or the Territorial Army or to land so acquired), and in section 1 the expression " the military purposes of any portion of Her Majesty's military forces ", shall include the service of any visiting force.
The Naval Works Act, 1895, 58 & 59 Vict. c. 35.	In section 2, the reference to any purpose of Her Majesty's Navy shall include a reference to the service of a visiting force.
The Military Lands Act, 1900, 63 & 64 Vict. c. 56.	In section 2, the reference to any purpose of Her Majesty's Navy, and any reference to a military or naval purpose or military or naval purposes, shall include a reference to the service of a visiting force.

SECOND SCHEDULE

ENACTMENTS TO WHICH GENERAL CROWN PRIVILEGE APPLIES

Enactments other than those applying only in Scotland or Northern Ireland

The Public Health Acts, 1875 to 1925.
The Weights and Measures Acts, 1878 to 1936.
The Merchandise Marks Acts, 1887 to 1953.
The Petroleum (Regulation) Acts, 1928 and 1936.
The Food and Drugs Acts, 1938 to 1950.
The Celluloid and Cinematograph Film Act, 1922 (12 & 13 Geo. 5. c. 35).
The Therapeutic Substances Act, 1925 (15 & 16 Geo. 5. c. 60).
Section 48 of the Road Traffic Act, 1930 (20 & 21 Geo. 5. c. 43) except so far as it relates to traffic signs for the guidance or direction of persons using highways.
The Public Health Act, 1936 (26 Geo. 5 & 1 Edw. 8. c. 49).
The Public Health (London) Act, 1936 (26 Geo. 5 & 1 Edw. 8. c. 50).
The Firearms Act, 1937 (1 Edw. 8 & 1 Geo. 6. c. 12) except so much of sections 1 to 4 as applies to persons in the service of Her Majesty by virtue of section 5.
The Import, Export and Customs Powers (Defence) Act, 1939 (2 & 3 Geo. 6. c. 69).
Part II and section 95 of the Agriculture Act, 1947 (10 & 11 Geo. 6. c. 48).
The Town and Country Planning Act, 1947 (10 & 11 Geo. 6. c. 51).
The Radioactive Substances Act, 1948 (11 & 12 Geo. 6. c. 37).
The Shops Act, 1950 (14 Geo. 6. c. 28).
The Dangerous Drugs Act, 1951 (14 & 15 Geo. 6. c. 48).
Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939.
The Defence (Sale of Food) Regulations, 1943.

Enactments applying only in Scotland

The Burgh Police (Scotland) Acts, 1892 to 1903.
The Public Health (Scotland) Acts, 1897 to 1945.
The Milk and Dairies (Scotland) Acts, 1914 to 1949.
The Food and Drugs (Adulteration) Act, 1928 (18 & 19 Geo. 5. c. 31).
The Artificial Cream Act, 1929 (19 & 20 Geo. 5. c. 32).
The Town and Country Planning (Scotland) Act, 1947 (10 & 11 Geo. 6. c. 53).
Part II of the Agriculture (Scotland) Act, 1948 (11 & 12 Geo. 6. c. 45).

Enactments applying only in Northern Ireland

The Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939.
The Public Health Acts (Northern Ireland), 1878 to 1949.
The Petroleum (Regulation) Acts (Northern Ireland), 1929 and 1937.
The Planning Acts (Northern Ireland), 1931 and 1944.
The Infectious Diseases (Prevention) Act, 1890 (53 & 54 Vict. c. 34).
The Public Health (Ireland) Act, 1911 (1 & 2 Geo. 5. c. 12).
The Firearms Act, 1920 (10 & 11 Geo. 5. c. 43) except so much of section 1 as applies to persons in the service of Her Majesty by virtue of section 2 of the Firearms (Amendment) Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 39).
Part II of the Midwives and Nursing Homes Act (Northern Ireland), 1929 (19 Geo. 5. c. 6 (N.I.)).
The Marketing of Dairy Produce Act (Northern Ireland), 1929 (20 Geo. 5. c. 14 (N.I.)).
Section 7 of the Firearms (Amendment) Act, 1936 (26 Geo. 5 & 1 Edw. 8. c. 39).
The Sale of Ice-Cream Act (Northern Ireland), 1937 (1 Edw. 8 & 1 Geo. 6. c. 7 (N.I.)).
The Milk and Milk Products Act (Northern Ireland), 1938 (2 Geo. 6. c. 15 (N.I.)).
The Shops Act (Northern Ireland), 1946 (1946 c. 7 (N.I.)).
In the Roads Act (Northern Ireland), 1948 (1948 c. 28 (N.I.)) section 18 and, except so far as it relates to traffic signs for the guidance or direction of persons using highways, section 25.
Part II of the Agriculture Act (Northern Ireland), 1949 (1949 c. 2 (N.I.)).

THIRD SCHEDULE

ENACTMENTS CONFERRING SPECIFIC EXEMPTIONS, PRIVILEGES, ETC.

Enactments other than those applying only in Scotland or Northern Ireland

The Gunbarrel Proof Act, 1868 (31 & 32 Vict. c. cxiii).	So much of section 119 as relates to a military barrel made for the use of Her Majesty's forces while it is the property of Her Majesty shall apply to any military barrel belonging to the service authorities of a visiting force or in the possession of a member of such a force in his capacity as such.
The Gun Licence Act, 1870 (33 & 34 Vict. c. 57).	In section 7, in paragraph (1), the reference to any person in the naval, military, or volunteer service of Her Majesty shall include a reference to any member of a visiting force. In section 9, the reference to a person in the naval, military, or volunteer service of Her Majesty shall include a reference to a member of a visiting force.
The Explosives Act, 1875 (38 & 39 Vict. c. 17).	In section 97, any reference to the Secretary of State, the Admiralty or other department of the Government (except the second such reference in paragraph (5)) shall include a reference to the service authorities of a visiting force, and any reference to the service of the Crown shall include a reference to the service of a visiting force; and in paragraph (2) of that section the reference to Her Majesty's ships, aircraft, boats and carriages shall include a reference to ships, aircraft, boats and carriages of a visiting force.

Enactments other than those applying only in Scotland or Northern Ireland—cont.

The Army Act (44 & 45 Vict. c. 58).	In section 143, in subsection (1), the references to officers and soldiers of the regular forces, to military escort, and to Her Majesty's military service, shall include respectively references to members of a visiting force, to the escort of members of such a force, and to the service of such a force; and in subsection (2) of that section references to officers or soldiers shall include references to members of a visiting force, and the reference to the officer commanding shall be construed accordingly. In section 174, the reference to the Secretary of State or the Admiralty shall include a reference to the service authorities of a visiting force. In section 174A, in subsection (1), the references to any camp, station or naval establishment, and to any ship, shall include respectively references to any camp, station or establishment used or occupied by a visiting force, and to any ship in the service of such a force.
The Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50).	In section 254, the reference to Her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments shall include a reference to the establishments of a visiting force.
The Cheap Trains Act, 1883 (46 & 47 Vict. c. 34).	In section 6, in subsection (1), the reference to the public service shall include a reference to the service of a visiting force; the whole section shall apply in relation to members of such a force and to stores, arms, ammunition and other necessaries and things belonging to the service authorities of such a force as it applies in relation to the forces (as therein defined) and to public baggage, stores, arms, ammunition and other necessaries and things; and references throughout the section as extended by this Order to the Secretary of State or the Admiralty shall be construed as references to the service authorities of the visiting force.
The Public Authorities Protection Act, 1893 (56 & 57 Vict. c. 61).	In section 1, the references to any public duty or authority shall include references to any official duty or authority of the service authorities or members of a visiting force and in the application of that section to any civil proceedings in Scotland against the service authorities or members of a visiting force, for any reference to six months appearing in paragraph (*a*) thereof, there shall be substituted a reference to twelve months.
The Ferries (Acquisition by Local Authorities) Act, 1919 (9 & 10 Geo. 5. c. 75).	In section 4, the references to the service of the Crown and to the property of the Crown shall include respectively references to the service of a visiting force and to the property of such a force.
The Public Health Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 49).	In section 199, in subsection (1), in the definition of " nursing home ", the reference to a hospital or other premises maintained or controlled by a government department shall include a reference to a hospital or other premises maintained or controlled by the service authorities of a visiting force.

Enactments other than those applying only in Scotland or Northern Ireland—cont.

The Public Health (London) Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 50).	In section 135, in subsection (4), the reference to Her Majesty's naval or military forces shall include a reference to a visiting force. In section 304, in subsection (1), in the definition of " nursing home ", the reference to a hospital or other premises maintained or controlled by a Government department shall include a reference to a hospital or other premises maintained or controlled by the service authorities of a visiting force.
The Public Order Act, 1936 (1 Edw. 8. & 1 Geo. 6. c. 6).	In section 4, at the end of subsection (2), there shall be added the words " or as a member of a visiting force ".
The Firearms Act, 1937 (1 Edw. 8. & 1 Geo. 6. c. 12).	In section 5, in paragraph (*a*), the references to a person in the service of Her Majesty and to the public service shall include respectively references to a member of a visiting force and to the service of such a force; and in paragraph (*b*), the reference to a person in the naval, military or air service of Her Majesty shall include a reference to a member of such a force.
The London Building Acts (Amendment) Act, 1939 (2 & 3 Geo. 6. c. xcvii).	In section 151, at the end of subsection (1), there shall be added the following paragraph:— " (*e*) every building, structure or work vested in Her Majesty or the service authorities of a visiting force and, in either case, in the occupation of the service authorities of a visiting force."
The Limitation Act, 1939 (2 & 3 Geo. 6. c. 21).	In section 21, in subsection (1), the reference to any public duty or authority shall include references to any official duty or authority of the service authorities or members of a visiting force.
The Defence (Patents, Trade Marks, &c.) Regulations, 1941 (S.R. & O. 1941 (No. 1780) II, p. 189).	In Regulation 3, in paragraph (5) the reference to the services of the Crown, and in paragraphs (3) and (5) the references to the defence of the realm, shall include references to the service of a visiting force.
The Town and Country Planning Act, 1947 (10 & 11 Geo. 6. c. 51).	In section 87, references to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown shall be construed as not including an interest held by a visiting force in pursuance of arrangements made in that behalf with any Government department.
The Emergency Laws (Miscellaneous Provisions) Act, 1947 (11 & 12 Geo. 6. c. 10).	In the Second Schedule, in paragraph 4, after the words " that department " there shall be inserted the words " or with the service authorities of a visiting force ".
The Agricultural Holdings Act, 1948 (11 & 12 Geo. 6. c. 63).	In section 23, in paragraph (*d*) (i) of subsection (1), the reference to naval, military or air force purposes shall include a reference to the purposes of a visiting force.
The Marriage Act, 1949 (12, 13 & 14 Geo. 6. c. 76).	In section 68, in subsection (2), the descriptions of persons who are qualified persons shall include any person who, at the relevant date for the purposes of the subsection, is a member of a visiting force or the daughter of such a member.

Enactments other than those applying only in Scotland or Northern Ireland—cont.

The Patents Act, 1949 (12, 13 & 14 Geo. 6. c. 87).	In sections 46 to 48, any reference to the services of the Crown (except the reference in subsection (6) of section 46) shall include a reference to the service of a visiting force.
The Registered Designs Act, 1949 (12, 13 & 14 Geo. 6 c. 88).	In section 12 and in paragraphs 1 to 3 of the First Schedule, any reference to the services of the Crown (except the reference in sub-paragraph (6) of paragraph 1 of the First Schedule) shall include a reference to the service of a visiting force.
The Shops Act, 1950 (14 Geo. 6. c. 28).	In the Second Schedule, in sub-paragraph (*i*) of paragraph 1, the references to any naval, military or air force authority and to Her Majesty's forces shall include respectively references to the service authorities of a visiting force and to a visiting force.
The Fireworks Act, 1951 (14 & 15 Geo. 6. c. 58).	In section 5, in subsection (3), the references to the Crown shall include a reference to the service authorities of a visiting force.
The Customs and Excise Act, 1952 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 44).	In section 150, in paragraph (*a*) of the proviso to subsection (1), the reference to a person holding a canteen under the authority of a Secretary of State or of the Admiralty shall include a reference to a person holding a canteen under the authority of the service authorities of a visiting force.
The Transport Act, 1953 (1 & 2 Eliz. 2. c. 13).	In section 24, in subsection (1), the references to the Secretary of State, the Admiralty or police authority shall, in relation to a visiting force, be construed as references to the service authorities of the force.
The Licensing Act, 1953 (1 & 2 Eliz. 2. c. 46).	In subsection (1) of section one hundred and sixty-five— in the definition of "canteen" the reference to the Secretary of State or the Admiralty shall include a reference to the service authorities of a visiting force; in the definition of "mess" the reference to officers or non-commissioned officers of Her Majesty's naval, military or air forces shall include a reference to members of a visiting force.

Enactments applying only in Scotland

The Public Health (Scotland) Act, 1897 (60 & 61 Vict. c. 38).	In section 73, in subsection (4), the reference to any tent, van, shed, or structure, erected or used by any portion of Her Majesty's naval or military forces shall include a reference to any tent, van, shed or structure erected or used by a visiting force. In section 101, the reference to persons appointed by the Crown shall include a reference to persons appointed by the service authorities of a visiting force. In section 194, the reference to any building, structure, or work vested in, or in the occupation of, any department of Her Majesty's Government for public purposes or for the public service shall include a reference to any building, structure or work vested in, or in the occupation of, any visiting force for the purposes or service of that force.

Enactments applying only in Scotland—cont.

The Burgh Police (Scotland) Act, 1903 (3 Edw. 7. c. 33).	In section 100, the reference to any building, structure or work vested in, or in the occupation of, any department of Her Majesty's Government for public purposes or for the public service shall include a reference to any building, structure or work vested in, or in the occupation of, any visiting force for the purposes or service of that force.
The Licensing Act, 1921 (11 & 12 Geo. 5. c. 42).	In section 5, in paragraph (*f*), the reference to a Secretary of State or the Admiralty shall include a reference to the service authorities of a visiting force; and the reference to officers or non-commissioned officers of Her Majesty's naval, military or air forces shall include a reference to members of a visiting force. In section 8, in subsection (2), the reference to a Secretary of State or the Admiralty shall include a reference to the service authorities of a visiting force; and the reference to officers or non-commissioned officers of Her Majesty's naval, military or air forces shall include a reference to members of a visiting force.
The Nursing Homes Registration (Scotland) Act, 1938 (1 & 2 Geo. 6. c. 73).	In section 10, in the definition of " nursing home ", the reference to a hospital or other premises maintained or controlled by a Government department shall include a reference to a hospital or other premises maintained or controlled by the service authorities of a visiting force.
The Town and Country Planning (Scotland) Act, 1947 (10 & 11 Geo. 6. c. 53).	In section 83, references to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown shall be construed as not including an interest held by a visiting force in pursuance of arrangements made in that behalf with any Government departments.

Enactments applying only in Northern Ireland

The Railway Regulation Act, 1844 (7 & 8 Vict. c. 85).	In section 12, the references to military and marine forces shall include references to a visiting force; and the reference to public baggage, stores, arms, ammunition and other necessaries and things shall include a reference to baggage, stores, arms, ammunition and other necessaries and things belonging to the service authorities of a visiting force.
The Housing of the Working Classes Act, 1885 (48 & 49 Vict. c. 72).	In section 9, in subsection (7), the reference to any tent, van, shed, or structure erected or used by any portion of Her Majesty's military or naval forces shall include a reference to any tent, van, shed or structure erected or used by a visiting force.
The Infectious Disease (Notification) Act, 1889 (52 & 53 Vict. c. 72).	In section 15, the reference to a building, ship, vessel, boat, tent, van, shed or similar structure belonging to Her Majesty shall include a reference to a building, ship, vessel, boat, tent, van, shed or similar structure belonging to the service authorities of a visiting force.

Enactments applying only in Northern Ireland—cont.

The Public Health (Ireland) Act, 1896 (59 & 60 Vict. c. 54.)	In section 32, the reference to buildings, offices and premises vested in or in the occupation of Her Majesty shall include a reference to buildings, offices and premises held for the service of a visiting force.
The Firearms (Amendment) Act, 1936 (26 Geo. 5. & 1 Edw. 8. c. 39).	In section 2, in paragraph (*a*) of subsection (1), the references to a person in the service of Her Majesty and to the public service shall include respectively references to a member of a visiting force and to the service of such a force; and in paragraph (*b*) of that subsection the reference to a person in the naval, military or air services of Her Majesty shall include a reference to a member of such a force.
The Shops Act (Northern Ireland), 1946 (1946 c. 7 (N.I.)).	In the First Schedule, in paragraph 1 (*h*), references to any naval, military or air force authority and to Her Majesty's forces shall include respectively references to the service authorities of a visiting force and to a visiting force.

FOURTH SCHEDULE

PROVISIONS RELATING TO SERVICE COURTS OF VISITING FORCES

Civilian witnesses

1. Subject to the provisions of this Schedule, any person required as a witness for the purposes of a service court of any visiting force (not being a person subject to the Naval Discipline Act, to military law or to the Air Force Act, or a person subject to the jurisdiction of a service court of any visiting force under subsection (2) of section 2 of the Visiting Forces Act, 1952) may be summoned or ordered to attend the court by any officer of a home force who would have power to summon him to attend if the service court were a naval, military or air force court-martial.

2. An officer shall not issue a summons or order for the attendance of any person as a witness under the foregoing paragraph unless it appears to him that it is reasonably practicable to procure that person's attendance and that provision for the reasonable expenses of his attendance has been or will be made.

3. In relation to a person summoned or ordered to attend a service court under paragraph 1 of this Schedule, section 126 of the Army Act (which relates to misconduct of civilians at courts-martial) shall apply as if for any reference to a court-martial there were substituted a reference to the service court.

Service witnesses

4. Any person required as a witness for the purposes of a service court of any visiting force, being a person subject to the Naval Discipline Act, to military law or to the Air Force Act, may, in accordance with arrangements made in that behalf between the service authorities of the visiting force and the Admiralty, the Army Council, or the Air Council, as the case may be, be ordered to attend that court by the proper naval, military, or air force authority.

5. In relation to a person ordered to attend a service court under the last foregoing paragraph, being a person subject to military law or to the Air Force Act, section 28 of the Army Act or of the Air Force Act, as the case may be, (which relates to misconduct at courts-martial) shall apply as if for any reference in paragraphs (1) to (5) to a court-martial there were substituted a reference to the service court, and as if the words "other than the court in relation to or before whom the offence was committed" and the proviso to the section were omitted.

6. In relation to a person ordered to attend as aforesaid, being a person subject to the Naval Discipline Act, that Act shall have effect as if for section 66 there were substituted the provisions of section 28 of the Army Act, subject to the modifications specified in the last foregoing paragraph and to the following additional modifications:—

(*a*) for the words "military law" there shall be substituted the words "this Act"; and

(*b*) for the words from "if an officer" to "in this Act mentioned" there shall be substituted the words "to dismissal from Her Majesty's service, or such other punishment as is mentioned in this Act".

General Provisions

7. Every person attending in pursuance of a summons or order under this Schedule as a witness before a service court of any visiting force shall, during his necessary attendance in or on that court, and in going to and from it, have the same privilege from arrest as he would have if he were a witness before a superior court of civil jurisdiction.

8.—(1) For the purposes of section 28 of the Army Act or of the Air Force Act and of section 126 of the Army Act, as applied by virtue of this Schedule to proceedings before a service court of any visiting force, the expressions "legally required" and "legally require" shall be construed as if the service court were a court-martial under the Army Act or the Air Force Act, as the case may be, and subject in particular to any rule of law with respect to Crown privilege.

(2) Without prejudice to the generality of the foregoing sub-paragraph, nothing in this Schedule shall compel any person to give or produce any evidence which he could not lawfully be compelled to give or produce in any court of criminal jurisdiction in England.

9. Any enactment or rule of law with respect to privilege in proceedings for defamation shall apply in relation to a service court of any visiting force as it applies in relation to a court-martial under the Naval Discipline Act, the Army Act or the Air Force Act.

10. Any oath required to be taken for the purposes of a service court of any visiting force may be administered by the person authorised in that behalf under the service law of the sending country.

FIFTH SCHEDULE

CUSTODY, DETENTION AND TREATMENT OF PERSONS SENTENCED BY SERVICE COURTS OF VISITING FORCES

1. A member of a visiting force who is sentenced by a service court of a visiting force to any form of imprisonment may, under the authority of the Admiralty or a Secretary of State, be detained temporarily, or for the whole or any part of his sentence, in any prison or establishment in which a person sentenced to imprisonment by a court-martial under the Naval Discipline Act, the Army Act or the Air Force Act may be detained, or in naval, military or air force custody.

2. A member of a visiting force who is sentenced by a service court of a visiting force to detention may, under the authority of the Admiralty or a Secretary of State, be detained temporarily, or for the whole or any part of his sentence, in any naval, military or air force establishment in which a person sentenced to detention by a court-martial under the Naval Discipline Act, the Army Act or the Air Force Act may be detained, or in naval, military or air force custody.

3. Where such a person as is mentioned in paragraph (*b*) of subsection (2) of section two of the Visiting Forces Act, 1952 (that is to say a person subject to the service law of the country in question otherwise than as a member of that country's forces who is not a citizen of the United Kingdom and Colonies nor ordinarily resident in the United Kingdom) is sentenced by a service court of a visiting force to any form of imprisonment, he may, under the authority of the Admiralty or a Secretary of State, be detained temporarily, or during the whole or any part of his sentence, in any civil prison, or in naval, military, air force or civil custody.

4. The Admiralty, the Army Council and the Air Council may make arrangements with the service authorities of any visiting force as to the reception from those authorities of persons to be detained under this Schedule and their return to those authorities, and as to the circumstances in which any such persons are to be released.

5. The provisions of any enactment with respect to the treatment of persons detained in prisons or other establishments mentioned in the foregoing provisions of this Schedule (including any such provisions relating to unsoundness of mind) shall apply—

(*a*) in relation to any person detained in pursuance of this Schedule in a civil prison, as if he were a person sentenced by a court of the United Kingdom to imprisonment for the like term as the term of the sentence of the service court;

(*b*) in relation to a person sentenced by a service court to any form of imprisonment and detained as aforesaid in any naval, military or air force establishment, as if he were a person sentenced by a naval, military or air force court-martial, as the case may be, to imprisonment for the like term as the term of the sentence of the service court;

(*c*) in relation to a person sentenced by a service court to detention and detained as aforesaid in any naval, military or air force establishment, as if he were a person sentenced by a naval, military or air force court-martial, as the case may be, to detention for the like term as the term of the sentence of the service court.

6.—(1) A person who, having been sentenced by a service court of a visiting force to imprisonment and authorised to be detained in pursuance of this Schedule, is unlawfully at large may (without prejudice to any other power of arrest) be arrested by any constable without warrant and taken to any place in which he may be required in accordance with law to be detained.

(2) In relation to a person who, having been sentenced by a service court of a visiting force to detention and authorised to be detained in pursuance of this Schedule, is unlawfully at large, paragraphs (1) to (4) and (9) of section 154 of the Army Act, and so much of section 131 of that Act as relates to absentees without leave shall apply as if he were an absentee without leave within the meaning of the said Act, and as if references therein to military custody included references to naval or air force custody.

EXPLANATORY NOTE

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

This Order applies certain provisions of the law applicable to the home forces to the forces of certain countries while they are in the United Kingdom. Provision is at present made for this by section 2 of the Visiting Forces (British Commonwealth) Act, 1933, and by that Act as extended by the Allied Forces Act, 1940. These two last-mentioned enactments will cease to operate when the Visiting Forces Act, 1952, under which the present Order is made, comes into operation.

By Article 3 the visiting forces to which the Order is to apply are the forces of the member countries of the Commonwealth, the United States of America, France, Belgium, Norway and the Netherlands.

By Article 4 the powers of the Minister of Supply under the Ministry of Supply Act, 1939, which include power to acquire and produce articles required for the public service, are extended so as to include power to acquire and produce articles required for visiting forces; and his other powers under that Act are correspondingly extended.

By Article 5 and the First Schedule a number of powers vested in government departments to acquire and use land and rights over land for the purposes of the home forces, are extended so as to enable those departments to acquire and use land and rights over land for the purposes of the visiting forces.

Article 6 enables persons who are employed as special constables by the Service Departments to exercise their functions in relation to premises used by visiting forces.

Article 7 enables agreements to be made with visiting forces to empower them to maintain their own posts and post offices, to transmit telegrams and establish and instal wireless stations.

Article 8 extends privileges attaching to vehicles of the home forces, and persons connected therewith, to visiting force vehicles and persons connected therewith.

Article 9 extends to premises occupied by visiting forces the exemptions from rating enjoyed in relation to premises occupied by the home forces.

Article 10 extends to members and persons employed in the service of a visiting force, their vessels, stores and goods, the exemptions and immunities enjoyed by the home forces under s. 28 of the Harbours Docks and Piers Clauses Act, 1847, but any agreement made on behalf of Her Majesty with respect to the payment of rates and duties will apply.

Article 11 (1) extends to the visiting forces exemptions, immunities and privileges which the home forces enjoy under the Acts listed in the Second Schedule. These are certain exemptions, immunities and privileges under the Acts listed in that Schedule which the home forces enjoy apart from any express provision as to their application to the Crown and by virtue of the general rule of law with respect to the construction of statutes whereby, in the absence of express provision, a statute does not bind the Crown.

Article 11 (2) and the Third Schedule adapt enactments which confer express exemptions and privileges on the home forces or the Crown generally.

Article 12 introduces the Fourth and Fifth Schedules of which further details are given later in this Note.

Article 13 provides for penalties for inducing or assisting desertion from a visiting force corresponding to the penalties applicable under section 153 of the Army Act.

Article 14 deals with provisions in the Public Health Acts imposing special obligations in relation to home forces.

Paragraph (1) adapts sections of the Public Health Acts making special provision for the notification of infectious diseases contracted by members of the home forces.

Paragraph (2) adapts for visiting forces sections of the Public Health Acts affording redress to persons seeking to abate smoke nuisances on Crown premises.

Article 15 deals with sections of the Factories Acts making special provision for the application of those Acts to the Crown.

Paragraph (1) adapts section 151 (9) of the Factories Act, 1937, which applies the Act to Crown premises and operations notwithstanding that the work carried on is not carried on by way of trade or for purposes of gain.

Paragraph (2) adapts section 150 (1) of the same Act which enables Crown factories and operations to be temporarily exempted from the Act, and section 150 (2) which requires that certain responsibilities which as respects factories in general lie on local authorities shall, as respects Crown factories, lie on government inspectors.

The Fourth Schedule adapts certain provisions of the law relating to courts-martial held by the home forces so as to apply to service courts of visiting forces.

Under paragraphs 1 to 3 a civilian witness may be summoned to attend a service court; and a witness who fails to attend or misconducts himself may be punished as in the case of a civilian witness in proceedings before a court-martial. Under paragraphs 4 to 6 witnesses who are members of the home forces may be required to attend service courts of visiting forces and may be punished for failure to attend or for misconduct as in the case of service witnesses in proceedings before courts-martial. In each case the process requiring witnesses to attend is issued by or on behalf of an officer of the home forces.

Paragraph 7 confers on civilian and service witnesses the privilege of freedom from arrest which would be available for witnesses before courts-martial.

Paragraph 8 introduces safeguards to secure that a witness summoned before a service court under the Order shall have the same privileges as respects the giving of evidence as he would have before a court-martial.

Paragraph 9 introduces a corresponding safeguard as respects witnesses' privileges under the law of defamation.

Paragraph 10 authorises the administration of oaths before a service court.

The Fifth Schedule deals with the custody, detention and treatment of persons sentenced by service courts of visiting forces.

Paragraphs 1 and 2 enable a member of a visiting force sentenced by a service court to imprisonment or detention to be detained in any prison, establishment or other form of custody in which a member of the home forces sentenced by a court-martial could be detained.

Paragraph 3 makes corresponding provision for persons subject to the jurisdiction of a service court although not members of the forces of the country in question. (Such a person cannot be sentenced by a service court if he is a citizen of the United Kingdom and colonies or ordinarily resident in the United Kingdom).

Paragraph 4 authorises the service departments in this country to make arrangements with the service authorities of a visiting force as to the reception of persons to be detained under the Schedule and their return to those authorities, and as to the circumstances in which they are to be released.

Paragraphs 5 and 6 ensure that while persons are detained under this Schedule they shall be subject to the law which would govern members of the home forces while imprisoned or detained in similar circumstances and for their apprehension and return if they become unlawfully at large.