VISITING FORCES

1956 No. 2042

The Visiting Forces (Application of Law) Order, 1956

Laid before Parliament in draft
Made - - - - 19*th December*, 1956
Coming into Operation 1*st January*, 1957

At the Court at Buckingham Palace, the 19th day of December, 1956

Present,

The Queen's Most Excellent Majesty in Council

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, in pursuance of section eight of the Visiting Forces Act, 1952, is pleased, by and with the advice of Her Privy Council, to 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, 1956.

(2) This Order and the Visiting Forces (Application of Law) Order, 1954(**b**), may be cited together as the Visiting Forces (Application of Law) Orders, 1954 and 1956.

(3) This Order shall come into operation on the first day of January, 1957.

Interpretation.

2. In this Order the expression "the principal Order" means the Visiting Forces (Application of Law) Order, 1954.

Application of principal Order.

3. The following paragraph shall be substituted for paragraph (1) of Article 3 of the principal Order:—

"(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, the Netherlands, Luxembourg, Turkey, Greece, Denmark, Portugal and Italy; and the expression 'visiting force' shall be construed accordingly."

(**a**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (**b**) S.I. 1954/635 (1954 II, p. 2465).

Road vehicles

4. For Article 8 of the principal Order there shall be substituted the following Article:—

"8.—(1) Except as provided by this Article, the Road Traffic Acts, 1930 to 1956, and Part I of the Road and Rail Traffic Act, 1933(**a**), 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.

(2) Subsection (2) of section 121 of the Road Traffic Act, 1930(**b**) (which, as extended by section 53 of the Road Traffic Act, 1956(**c**), applies certain provisions of Parts I and III of the said Act of 1930 and the said Act of 1956 to vehicles and persons in the public service of the Crown), and subsection (3) of the said section 53 (which applies subsection (1) of section 40 of the said Act of 1930 to persons in the public service of the Crown so far as the said subsection (1) applies to a person in connection with any vehicle to which section 2 of the said Act of 1956 applies) shall apply to vehicles in the service of a visiting force, and to persons described in the foregoing paragraph, as they apply to vehicles and persons in the public service of the Crown, but subject to the following modifications:—

(*a*) so much of subsection (2) of the said section 121 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 (or the person riding the bicycle or tricycle) shall not apply; and

(*b*) in the proviso to the said subsection (2), 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(**d**), 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(**e**) (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 1956, 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(**f**), and for the reference to the Vehicles (Excise) Act, 1949, there shall be substituted a reference to section 1 of the Vehicles (Excise) Act (Northern Ireland), 1954(**g**); and without prejudice to the foregoing provisions, the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1955, 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, subject to such exemptions, immunities and privileges as would be available if that force formed part of a home force.

(**a**) 23 & 24 Geo. 5. c. 53. (**b**) 20 & 21 Geo. 5. c. 43. (**c**) 4 & 5 Eliz. 2. c. 67.
(**d**) 12, 13 & 14 Geo. 6. c. 89. (**e**) 17 & 18 Geo. 5. c. 37.
(**f**) 20 & 21 Geo. 5. c. 24 (N.I.). (**g**) 1954 c. 17 (N.I.).

(6) In this Article "vehicle in the service of a visiting force" means a vehicle belonging to the service authorities of a visiting 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."

Penalties for inducing or assisting desertion, etc.

5. For Article 13 of the principal Order there shall be substituted the following Article:—

"13. Section 192 of the Army Act, 1955(a) (which provides for the punishment of persons who procure or persuade members of the regular forces to desert or to absent themselves without leave, or who commit certain other offences connected with desertion or absence without leave), shall have effect as if any reference therein to an officer, warrant officer, non-commissioned officer or soldier of the regular forces included a reference to a member of a visiting force."

Amendment of references to enactments in Articles of principal Order

6.—(1) In paragraph (*c*) of Article 7 of the principal Order the words "the Wireless Telegraphy Acts, 1904 to 1926 and" shall be omitted.

(2) In paragraph (3) of Article 9 of the principal Order for the words "the Valuation Acts (Northern Ireland), 1852 to 1953" there shall be substituted the words "the Valuation Acts (Northern Ireland), 1852 to 1954."

(3) In paragraph (2) of Article 11 of the principal Order for the word "Acts" there shall be substituted the word "enactments".

Amendment of Second to Fifth Schedules to principal Order

7.—(1) The Second Schedule to the principal Order shall be amended in accordance with the provisions of the First Schedule to this Order.

(2) The Third Schedule to the principal Order shall be amended in accordance with the provisions of the Second Schedule to this Order.

(3) For the Fourth Schedule to the principal Order there shall be substituted the Schedule set out in the Third Schedule to this Order.

(4) For the Fifth Schedule to the principal Order there shall be substituted the Schedule set out in the Fourth Schedule to this Order.

W. G. Agnew.

FIRST SCHEDULE

AMENDMENT OF SECOND SCHEDULE TO PRINCIPAL ORDER

1. The following enactments shall be omitted:—

(*a*) from the enactments other than those applying only in Scotland or Northern Ireland,—

The Food and Drugs Acts, 1938 to 1950,
The Therapeutic Substances Act, 1925,
The Defence (Sale of Food) Regulations, 1943;

(*b*) from the enactments applying only in Scotland,—

The Food and Drugs (Adulteration) Act, 1928,
The Artificial Cream Act, 1929.

2. The following enactments shall be added:—

(*a*) at the end of the enactments other than those applying only in Scotland or Northern Ireland,—

The Food and Drugs Act, 1955 (4 & 5 Eliz. 2. c. 16),
Part I of the Therapeutic Substances Act, 1956 (4 & 5 Eliz. 2. c. 25),
The Agriculture (Safety, Health and Welfare Provisions) Act, 1956 (4 & 5 Eliz. 2. c. 49);

(a) 3 & 4 Eliz. 2. c. 18.

(*b*) at the end of the enactments applying only in Scotland,—

Part II of the Slaughterhouses Act, 1954 (2 & 3 Eliz. 2. c. 42),

The Food and Drugs (Scotland) Act, 1956 (4 & 5 Eliz. 2. c. 30);

(*c*) at the end of the enactments applying only in Northern Ireland,—

The Slaughter-houses Act (Northern Ireland), 1953 (1953 c. 21 (N.I.)).

3. There shall be substituted for the entries specified in the first column of the following Table the entries set out opposite thereto in the second column of that Table:—

TABLE

Existing entries	*Entries to be substituted*
The Town and Country Planning Act, 1947 (10 & 11 Geo. 6. c. 51).	The Town and Country Planning Acts, 1947 to 1954.
The Town and Country Planning (Scotland) Act, 1947 (10 & 11 Geo. 6. c. 53).	The Town and Country Planning (Scotland) Acts, 1947 to 1954.
The Public Health Acts (Northern Ireland), 1878 to 1949.	The Public Health Acts (Northern Ireland), 1878 to 1955.

SECOND SCHEDULE

AMENDMENT OF THIRD SCHEDULE TO PRINCIPAL ORDER

Enactments other than those applying only in Scotland or Northern Ireland

1. There shall be omitted the entries relating to

the Army Act,

the Public Authorities Protection Act, 1893,

the Limitation Act, 1939.

2. In the entry relating to the Defence (Patents, Trade Marks, etc.) Regulations, 1941, the following words shall be substituted for the words in the second column:

"In Regulation 3, in paragraph (5), the references to the services of the Crown and the defence of the realm shall include references to the service of a visiting force."

3. After the entry relating to the Licensing Act, 1953, there shall be added the following entries:

The Landlord and Tenant Act, 1954 (2 & 3 Eliz. 2. c. 56)	In section 56, in subsection (3), the references to a tenancy held by or on behalf of a Government department and to the purposes of a Government department shall include respectively references to a tenancy held by or on behalf of the service authorities of a visiting force and to the purposes of a visiting force.
	In sections 57 and 58, the references to an interest belonging to a Government department and to the purposes of a Government department shall include respectively references to an interest belonging to the service authorities of a visiting force and to the purposes of a visiting force.

The Army Act, 1955 (3 & 4 Eliz. 2. c. 18)	In section 184, the references to the regular forces, to vehicles belonging to the Crown, to the service of the Crown and to proper military authority shall include respectively references to a visiting force, to vehicles belonging to the service authorities of a visiting force, to service in a visiting force and to the service authorities of a visiting force.
The Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955 (3 & 4 Eliz. 2. c. 20)	In the Third Schedule, in paragraph 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 ; and in paragraph 2 the reference to the Secretary of State or the Admiralty shall include a reference to the service authorities of a visiting force.

THIRD SCHEDULE

PROVISIONS REPLACING FOURTH SCHEDULE TO PRINCIPAL ORDER

"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 a visiting force (not being a person subject to the Naval Discipline Act, to military law or to air-force law, or a person subject to the jurisdiction of a service court of a 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 the home forces who would have power to summon him to attend if the service court were a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955.

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 101 of the Army Act, 1955 (which relates to offences by civilians in relation to 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 a visiting force, being a person subject to the Naval Discipline Act, to military law or to air-force law, 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 air-force law, subsection (1) of section 57 of the Army Act, 1955, or of the Air Force Act, 1955, as the case may be (which relates to misconduct at courts-martial), shall apply as if for the references in paragraphs (*a*) to (*f*) to a court-martial there were substituted references to the service court, and as if the words " other than the court in relation to which the offence was committed " 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 subsection (1) of section 57 of the Army Act, 1955, and as if in that subsection the modifications specified in the last foregoing paragraph had been made and, in addition :—

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

(*b*) for the words from " to imprisonment " to " by this Act " there were substituted the words " to dismissal from Her Majesty's service, or such other punishment as is mentioned in this Act ".

General provisions

7. A witness before a service court of a visiting force or any other person whose duty it is to attend on or before such a court shall be entitled to the same immunities and privileges as a witness before the High Court in England.

8.—(1) For the purposes of subsection (1) of section 57 of the Army Act, 1955, or the Air Force Act, 1955, and of section 101 of the Army Act, 1955, as applied by virtue of this Schedule to proceedings before a service court of a visiting force, the expressions " duly required " and " lawfully required " shall be construed as if the service court were a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, 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 a visiting force as it applies in relation to a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955.

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

FOURTH SCHEDULE

PROVISIONS REPLACING FIFTH SCHEDULE TO PRINCIPAL ORDER

" 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, 1955, or the Air Force Act, 1955, 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, 1955, or the Air Force Act, 1955, 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 2 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 court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, 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 court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, as the case may be, to detention for the like term as the term of the sentence of the service court.

6.—(1) Section 186 of the Army Act, 1955 (which relates to the arrest of deserters and absentees without leave), shall in the United Kingdom apply in relation to a person authorised to be detained in pursuance of this Schedule who is at large in circumstances which, in the case of a member of the home forces, would amount to illegal absence from those forces, as it applies in relation to an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave.

(2) Sections 187, 188 and 190 of the Army Act, 1955 (which make provision as to the delivery into military custody of persons illegally absent from the regular forces), shall in the United Kingdom apply as if any person authorised

to be detained in pursuance of this Schedule were a member of the regular forces illegally absent therefrom and, as so applying, shall have effect as if—

(*a*) any reference to military custody included a reference to naval or air-force custody; and

(*b*) in subsection (3) of the said section 187 for the words from "and if satisfied" to "absence without leave" there were substituted the words "and if satisfied that he is a person authorised to be detained in pursuance of the Fifth Schedule to the Visiting Forces (Application of Law) Order, 1954."

EXPLANATORY NOTE

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

This Order amends the Visiting Forces (Application of Law) Order, 1954, under which certain provisions of the law applicable to the home forces are applied to the forces of certain countries while they are in the United Kingdom.

Article 3 adds Luxembourg, Turkey, Greece, Denmark, Portugal and Italy as countries to whose visiting forces the Order of 1954 is to apply.

The remaining provisions make alterations with regard to the application of enactments to visiting forces in consequence of the repeal of certain enactments, of the replacement of certain other enactments (in particular the Army and Air Force Acts) by fresh legislation and of other changes in the law since the Order of 1954 was made.

Article 4 substitutes for Article 8 of the Order of 1954 (which extends privileges attaching to vehicles of the home forces, and persons connected therewith, to visiting force vehicles and persons connected therewith) a new Article which includes references to the Road Traffic Act, 1956.

Article 5 substitutes for Article 13 of the Order of 1954 (which provides for penalties for inducing or assisting desertion from a visiting force corresponding to the penalties applicable under the Army Act) a new Article which refers to the Army Act, 1955.

Article 6 makes minor amendments in certain references to enactments in the body of the Order of 1954.

Article 7 (1) and the First Schedule, and Article 7 (2) and the Second Schedule, amend the Second and Third Schedules, respectively, to the Order of 1954 (which set out enactments in relation to which visiting forces are given exemptions, immunities and privileges corresponding to those enjoyed by the home forces) by omitting certain enactments which have ceased to have effect and adding certain others which have been passed since the Order of 1954 was made.

Article 7 (3) and the Third Schedule substitute for the Fourth Schedule to the Order of 1954 a new Schedule which makes amended provision with respect to service courts of visiting forces, consequential on the passing of the Army Act, 1955, and the Air Force Act, 1955, which will come into operation on 1st January, 1957.

Article 7 (4) and the Fourth Schedule substitute for the Fifth Schedule to the Order of 1954 a new Schedule which makes amended provision with respect to the custody, detention and treatment of persons sentenced by service courts of visiting forces, also consequential on the passing of the two last-mentioned Acts.