



CHAPTER 51.

An Act to make provision with respect to the discipline and internal administration of certain allied and associated forces, and for the application in relation to those forces of the Visiting Forces (British Commonwealth) Act, 1933, the Naval Discipline Act, the Army Act and the Air Force Act. [22nd August 1940.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where any naval, military or air forces of any foreign Power allied with His Majesty are for the time being present in the United Kingdom or on board any of His Majesty's ships or aircraft, the naval, military and air force courts and authorities of that Power may, subject to the provisions of this Act, exercise within the United Kingdom or on board any such ship or aircraft in relation to members of those forces, in matters concerning discipline and internal administration, all such powers as are conferred upon them by the law of that Power.

Law applicable to allied and associated forces.

(2) Where any foreign authority is recognised by His Majesty as competent to maintain naval, military or air forces for service in association with His Majesty's forces, the said authority may by order made with the concurrence of the Admiralty or a Secretary of State,

as the case may be, confer, whether by reference to the present or former national law of the authority or otherwise, upon naval, military and air force courts and authorities constituted in accordance with the order all such powers as may be necessary to secure the discipline and internal administration of any forces so maintained which are for the time being present in the United Kingdom or on board any ship or aircraft serving in association with His Majesty's forces or on board any of His Majesty's ships or aircraft.

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Geo. 5. c. 6.

(3) His Majesty may by Order in Council provide for the application to any such naval, military and air forces as are mentioned in subsections (1) and (2) hereof, subject to such adaptations, modifications and exceptions as may be provided by the Order, of subsections (2) to (5) of section one, of sections two and three, of subsections (1) and (3) of section five, and of section six, of the Visiting Forces (British Commonwealth) Act, 1933, as amended by or under any enactment whether passed before or after this Act:

Provided that the reference in subsection (1) of the said section five (which provides for the extension of the Act to colonies) to sections one to three of the Act shall be construed, for the purposes of this section, as a reference to such of the provisions of the said sections one to three as are applied under this section and to subsections (1) and (2) of this section.

Saving for
jurisdiction
of civil
courts.

2.—(1) Nothing in the foregoing section shall affect the jurisdiction of any civil court of the United Kingdom, or of any colony or territory to which that section is extended, to try a member of any of the naval, military or air forces mentioned in that section for any act or omission constituting an offence against the law of the United Kingdom, or of that colony or territory, as the case may be.

(2) If a person sentenced by a court exercising jurisdiction by virtue of the foregoing section to punishment for an offence is afterwards tried by any such civil court as aforesaid in respect of any act or omission which constituted that offence, the civil court shall, in awarding punishment in respect of that act or omission, have regard to any punishment imposed on him by the said sentence.

(3) A court shall not have jurisdiction by virtue of the foregoing section to try any person for any act or omission constituting an offence for which he has been acquitted or convicted by any such civil court as aforesaid.

3.—(1) For the purpose of securing effective co-operation between His Majesty's forces and the forces of any such allied Power or foreign authority as is mentioned in section one of this Act, His Majesty may by Order in Council provide for the application of the Naval Discipline Act, the Army Act or the Air Force Act, as the case may be, to members of any of the forces of that Power or authority, subject to such adaptations, modifications and exceptions as may be provided by the Order, and, without prejudice to the generality of the foregoing provision, the Order may modify the procedure for the trial and punishment under the said Acts of offences committed by members of the forces of the allied Power or foreign authority and may in particular provide for enabling courts-martial trying such offences to comprise officers of those forces as well as officers of His Majesty's forces.

Application
of Naval
Discipline
Act, Army
Act and Air
Force Act.

(2) Any Order in Council made under this section may make provision for securing that—

- (a) no member of the forces of the allied Power or foreign authority shall be punished both under the Naval Discipline Act, the Army Act or the Air Force Act, as the case may be, and by virtue of section one of this Act for the same offence; and
- (b) in the case of offences which may be punished either under the Naval Discipline Act, the Army Act or the Air Force Act, as the case may be, or by virtue of the said section one, or in the case of such of those offences as may be specified in the Order, no proceedings shall be taken by virtue of the said section one without the consent of such authority as may be appointed by the Admiralty, the Army Council or the Air Council, as the case may be.

Provisions
as to
Orders in
Council and
orders.

4.—(1) Any Order in Council or order made under this Act may be varied or revoked by a subsequent Order in Council or order made in like manner.

(2) Evidence of any order made under subsection (2) of section one of this Act, or of any order varying or revoking such an order, may be given by the production of a copy of the order purporting to be printed by His Majesty's printer.

Short title
and
duration.

5.—(1) This Act may be cited as the Allied Forces Act, 1940.

(2) This Act shall expire on such date as may be fixed by His Majesty by Order in Council, but any such Order may provide for the continuance of any provisions of this Act or of any Order in Council or order made under the foregoing provisions of this Act, in so far as they relate to offences committed before the said date.

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