



Armed Forces Act 2011

2011 CHAPTER 18

Other amendments and repeals

25 Claims against visiting forces: transfer of liability

After section 9 of the Visiting Forces Act 1952 insert—

“9A Claims against visiting forces: transfer of liability

- (1) This section applies where a claim is brought in a court in the United Kingdom against a country to which this section applies (“the country concerned”) and the claim is within subsection (2).
- (2) A claim is within this subsection if—
 - (a) it is a claim in tort;
 - (b) it arises—
 - (i) out of an act done by a member of a visiting force of the country concerned, or of a civilian component of such a force, in the performance of official duties; or
 - (ii) out of any other act or occurrence for which a visiting force of the country concerned, or a civilian component of such a force, is legally responsible;
 - (c) it is brought by a third party; and
 - (d) it is not an excluded claim.
- (3) Where this section applies the Secretary of State may, if requested to do so by the country concerned, make a declaration under this section.
- (4) A declaration under this section is a written declaration, signed by the Secretary of State, which—
 - (a) specifies the claim concerned and the matter to which it relates; and
 - (b) states that, with effect from a time specified in the declaration, any liability in tort of the country concerned in respect of that matter is transferred to the Ministry of Defence.

Status: This is the original version (as it was originally enacted).

- (5) A declaration under this section has the effect that the liability mentioned in the declaration is transferred to the Ministry of Defence at the time specified in the declaration.
- (6) The Secretary of State must notify the country concerned and the claimant where a declaration under this section has been made.
- (7) Section 9 does not apply to a claim in respect of which liability has been transferred under this section.
- (8) In this section—
- “act” includes an omission;
 - “the Agreement” means the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done in London on 19th June 1951;
 - “excluded claim” means a claim to which, by virtue of paragraph 5(h) of Article VIII of the Agreement (certain claims arising from ships and cargo), paragraph 5(a) of that Article does not apply;
 - “third party” means a person other than a member of a visiting force of the country concerned or of a civilian component of such a force;
 - “tort” includes delict.
- (9) It is immaterial for the purposes of this section whether the country concerned is the only defendant in relation to the claim mentioned in subsection (1).”