



# Visiting Forces (British Commonwealth) Act 1933

1933 CHAPTER 6 23 and 24 Geo 5

An Act to make provision with respect to forces of His Majesty from other parts of the British Commonwealth when visiting the United Kingdom or a colony; with respect to the exercise of command and discipline when forces of His Majesty from different parts of the Commonwealth are serving together; with respect to the attachment of members of one such force to another such force, and with respect to deserters from such forces. [29th March 1933]

## Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

## Commencement Information

I1 Act wholly in force at Royal Assent

1—3 .....<sup>F1</sup>

## Textual Amendments

F1 Ss. 1—3, 5(1) repealed by [Visiting Forces Act 1952 \(c. 67\), s. 18](#)

## 4 Attachment of personnel and mutual powers of command.

- (1) The forces, other than home forces, to which this section applies are the naval, military and air forces of His Majesty raised in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, .....<sup>F2</sup>, the Irish Free State .....<sup>F3</sup>
- (2) [<sup>F4</sup>The Defence Council]—

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- (i) may attach temporarily to a home force any member of another force to which this section applies who is placed at their disposal for the purpose by the service authorities of that part of the Commonwealth to which the other force belongs;
- <sup>F5</sup>(ii) [<sup>F5</sup>may, with his consent,] place any member of a home force at the disposal of the service authorities of another part of the Commonwealth for the purpose of being attached temporarily by those authorities to a force to which this section applies belonging to that part of the Commonwealth.
- <sup>F6</sup>(3) While a member of another force is by virtue of this section attached temporarily to a home force—
- (a) he is subject to service law for the purposes of the Armed Forces Act 2006 at all times at which he would be so subject if he were a member of that force; and
- (b) he shall be treated as if he were a member of the home force of relative rank:] Provided that His Majesty may by Order in Council direct that in relation to members of a force of any part of the Commonwealth specified in the Order, [<sup>F7</sup>the Armed Forces Act 2006] shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.
- (4) When a home force and another force to which this section applies are serving together, whether alone or not—
- (a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank; and
- (b) if the forces are acting in combination, any officer of the other force appointed by His Majesty, or in accordance with regulations made by or by authority of His Majesty, to command the combined force, or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment <sup>F8</sup>. . . as if he were an officer of the home force of relative rank and holding the same command.
- (5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of [<sup>F4</sup>the Defence Council], and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by Regulations made by His Majesty.

#### Textual Amendments

- F2** Words repealed by [South Africa Act 1962 \(c. 23\)](#), **Sch. 5**
- F3** Words repealed by [Newfoundland \(Consequential Provisions\) Act 1950 \(c. 5\)](#), **Sch. Pt. II**
- F4** Words substituted with saving by [S.I. 1964/488](#)
- F5** Words in s. 4(2)(ii) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 14(2)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F6** Words in s. 4(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 14(3)(a)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F7** Words in s. 4(3) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 14(3)(b)**; [S.I. 2009/812](#), art. 3(a)(b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4
- F8** Words in s. 4(4)(b) repealed (1.4.1997) by [1996 c. 46](#), s. 35(2), **Sch. 7 Pt. I**; [S.I. 1997/304](#), **arts. 2, 3**

*Changes to legislation: There are currently no known outstanding effects for the Visiting Forces (British Commonwealth) Act 1933. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C2** S. 4 applied by enactments listed in Chronological Table of the Statutes; saved by [Naval Discipline Act 1957 \(c. 53\), s. 121\(1\)](#)
- C3** Irish Free State now known as the Republic of Ireland: [Eire \(Confirmation of Agreements\) Act 1938 \(c. 25\), s. 1](#) and [Ireland Act 1949 \(c. 41\), s. 1](#)
- C4** S. 4 extended by S.I. 1978/1030, [Sch. para. 3](#); by S.I. 1978/1899, [Sch. para. 3](#); by [Kiribati Act 1979 \(c. 27, SIF 26:19A\), s. 3\(4\), Sch. para. 3](#); by S.I. 1979/917, [Sch. para. 3](#); by [Papua New Guinea, Western Samoa and Nauru \(Miscellaneous Provisions\) Act 1980 \(c. 2, SIF 26:26\), s. 3, Sch. para. 7](#); by S.I. 1980/701, [Sch. para. 11\(1\)](#); by [New Hebrides Act 1980 \(c. 16, SIF 26:26A\), s. 4\(2\), Sch. 1 para. 3](#); by [Belize Act 1981 \(c. 52, SIF 26:7A\), s. 3\(4\), Sch. 2 para. 2](#); by S.I. 1981/1105, [Sch. para. 3](#); by S.I. 1983/882, [Sch. para. 2](#); by [Brunei and Maldives Act 1985 \(c. 3, SIF 26:9A\), s. 1, Sch. para. 5](#); (retrospectively: 1.10.1989) by [Pakistan Act 1990 \(c. 14, SIF 26:30\), s. 1, Sch. para. 4](#)
- C5** S. 4 extended (retrospective to 21. 3. 1990) by [Namibia Act 1991 \(c. 4, SIF 26:25A\), s. 1, Sch. para. 2](#) (with s. 2(2))  
s. 4 extended (23.3.1995) by [1995 c. 3, s. 1, Sch. para. 4](#)
- C6** S. 4 applied (7.1.2003) by [2002 c. 39, ss. 2, 4\(2\), Sch. 2 para. 2](#)
- C7** S. 4(2) amended by [Revision of the Army and Air Force Acts \(Transitional Provisions\) Act 1955 \(c. 20\), Sch. 2 para. 9\(1\)](#)

**5 Application of Act to colonies.**

- (1) ..... <sup>F9</sup>
- (2) His Majesty may as regards any colony by Order in Council direct that the provisions of section four of this Act shall, with such exceptions and subject to such adaptations and modifications as may be specified in the Order, apply in relation to all or any of the forces raised in that colony, and in relation to officers and members thereof, as they apply in relation to home forces and officers and members thereof.
- (3) In this section the expression “colony” includes Aden and any territory which is under His Majesty’s protection.

**Textual Amendments**

- F9** Ss. 1–3, 5(1) repealed by [Visiting Forces Act 1952 \(c. 67\), s. 18](#)

**<sup>F10</sup>6 Application of Act to mandated and certain other territories.**

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**Textual Amendments**

- F10** S. 6 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\), Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

**<sup>F11</sup>7 Saving for other enactments.**

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**Changes to legislation:** There are currently no known outstanding effects for the Visiting Forces (British Commonwealth) Act 1933. (See end of Document for details)

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### Textual Amendments

- F11** S. 7 repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, [art. 3\(a\)\(b\)](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

## 8 Interpretation, &c.

### (1) In this Act—

“The Commonwealth” means the British Commonwealth of Nations, and “Dominion” has the same meaning as in the <sup>M1</sup>Statute of Westminster, 1931;

“Home forces” means the naval, military and air forces of His Majesty raised in the United Kingdom; and “home force” includes any body, contingent, or detachment of any of the home forces, wherever serving;

“Visiting force” means any body, contingent or detachment of the naval, military and air forces of His Majesty raised in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, . . . . . <sup>F12</sup>, the Irish Free State . . . . . <sup>F13</sup> which is, with the consent of His Majesty’s Government in the United Kingdom, lawfully present in the United Kingdom;

“Forces” includes reserve and auxiliary forces;

“Court” includes a service Court of Inquiry, and any officer of a visiting force who is empowered by the law of that part of the Commonwealth to which the force belongs to review the proceedings of a service court, or to investigate charges, or himself to dispose of charges, and the expression “sentence” shall be construed accordingly;

“Internal administration” in relation to any visiting force includes the administration of the property of a deceased member of the force; and

“Member” in relation to a visiting force includes any person who is by the law of that part of the Commonwealth to which the force belongs subject to the naval, military or air force law thereof, and who, being a member of another force, is attached to the visiting force, or, being a civilian employed in connection with the visiting force, entered into his engagement outside the United Kingdom.

### (2) An Order in Council under this Act may be revoked or varied by a subsequent Order in Council.

### Textual Amendments

- F12** Words repealed by [South Africa Act 1962 \(c. 23\)](#), [Sch. 5](#)  
**F13** Words repealed by [Newfoundland \(Consequential Provisions\) Act 1950 \(c. 5\)](#), [Sch. Pt. II](#)

### Modifications etc. (not altering text)

- C8** S. 8(1) applied by enactments listed in Chronological Table of the Statutes  
**C9** Irish Free State now known as the Republic of Ireland: [Eire \(Confirmation of Agreements\) Act 1938 \(c. 25\)](#), [s. 1](#) and [Ireland Act 1949 \(c. 41\)](#), [s. 1](#)

### Marginal Citations

- M1** 1931 c. 4 (22 & 23 Geo. 5).

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**9 Short title.**

This Act may be cited as the Visiting Forces (British Commonwealth) Act, 1933.

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