Visiting Forces Act 1952

1952 CHAPTER 67 15 and 16 Geo 6 and 1 Eliz 2

PART I

VISITING FORCES

3 Restriction, as respects certain offences, of trial by United Kingdom courts of offenders connected with visiting force.

(1) Subject to the provisions of this section, a person charged with an offence against United Kingdom law shall not be liable to be tried for that offence by a United Kingdom court if at the time when the offence is alleged to have been committed he was a member of a visiting force or a member of a civilian component of such a force and—

(a) the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force or component, as the case may be; or

(b) the alleged offence is an offence against the person, and the person or, if more than one, each of the persons in relation to whom it is alleged to have been committed had at the time thereof a relevant association either with that force or with another visiting force of the same country; or

(c) the alleged offence is an offence against property, and the whole of the property in relation to which it is alleged to have been committed (or, in a case where different parts of that property were differently owned, each part of the property) was at the time thereof the property either of the sending country or of an authority of that country or of a person having such an association as aforesaid; **[**[F1]or

(d) the alleged offence is the offence of hijacking on board a military aircraft in the service of that force or consists of inducing or assisting, in relation to such an aircraft, the commission of any such act as is mentioned in **[**[F2] section 6(2) (*a*) of the Aviation Security Act 1982 **]** ; or

(e) the alleged offence is an offence under **[**[F2] section 2 or 3 of that Act **]** , or consists of inducing or assisting the commission of any such act as is mentioned in **[**[F2] section 6(2)(*b*) and (*c*) **]** of that Act, where (in either case) one or more such aircraft was or were the only aircraft alleged to have been,

or to have been likely to be, thereby destroyed or damaged or whose safety is alleged to have been, or to have been likely to be, thereby endangered: **][**[F3] ; or—

(f) the alleged offence is an offence under section 1(2)(a)(ii) of the Aviation and Maritime Security Act 1990, where one or more such aircraft was or were the only aircraft alleged to have been thereby destroyed or seriously damaged; or

(g) the alleged offence is the offence of hijacking a warship in the service of that force or any other ship used as a naval auxiliary in that service or consists of inducing or assisting, in relation to any such warship or other ship, the commission of any such act as is mentioned in section 14(4)(a) of the Aviation and Maritime Security Act 1990; or

(h) the alleged offence is an offence under section 11, 12, or 13 of that Act in relation to a ship, or consists of inducing or assisting the commission of any such act as is mentioned in section 14(4)(b), (c) or (d) of that Act in relation to a ship, where (in either case) one or more warships in the service of that force or other ships used as naval auxiliaries in that service were the only ships alleged to have been, or to have been likely to be, thereby destroyed or damaged or whose safe navigation is alleged to have been, or to have been likely to be, thereby endangered**]**

Provided that this subsection shall not apply if at the time when the offence is alleged to have been committed the alleged offender was a person not subject to the jurisdiction of the service courts of the country in question in accordance with the last foregoing section.

(2) In relation to the trial of a person who was a member of a civilian component of a visiting force at the time when the offence is alleged to have been committed, the last foregoing subsection shall not have effect unless it is shown that the case can be dealt with under the law of the sending country.

(3) Nothing in subsection (1) of this section—

(a) shall prevent a person from being tried by a United Kingdom court in a case where the Director of Public Prosecutions (in the case of a court in England or Wales), the Lord Advocate (in the case of a court in Scotland) or the Attorney-General for Northern Ireland (in the case of a court in Northern Ireland) certifies, either before or in the course of the trial, that the appropriate authority of the sending country has notified him that it is not proposed to deal with the case under the law of that country; or

(b) shall affect anything done or omitted in the course of a trial unless in the course thereof objection has already been made that by reason of that subsection the court is not competent to deal with the case; or

(c) shall, after the conclusion of a trial, be treated as having affected the validity thereof if no such objection was made in the proceedings at any stage before the conclusion of the trial.

(4) In relation to cases where the charge (by whatever words expressed) is a charge of attempting or conspiring to commit an offence, or of aiding, abetting, procuring or being accessory to, or of being art and part in, the commission of an offence, **[**[F4]paragraphs (*b*), (*c*) and (*f*)**]**of subsection (1) of this section **[**[F5]and (except in so far as they relate to inducing or assisting the commission of any act) **[**[F4]paragraphs (*d*), (*e*), (*g*) and (*h*)**]**of that subsection**]** shall have effect as if references in those paragraphs to the alleged offence were references to the offence which the person charged is alleged to have attempted or conspired to commit or, as the case may be, the offence as respects

which it is alleged that he aided, abetted, procured or was accessory to, or was art and part in, the commission thereof; and references in **[**[F6]paragraphs (*b*) and (*c*) of that subsection**]** to persons in relation to whom, or property in relation to which, the offence is alleged to have been committed shall be construed accordingly.

(5) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.

(6) For the purposes of this section the expressions "offence against the person" and "offence against property" shall be construed in accordance with the provisions of the Schedule to this Act.

Textual Amendments

F1 S. 3(1)(*d*)(*e*) added by Protection of Aircraft Act 1973 (c. 47), **s. 6(1)**

F2 Words substituted by Aviation Security Act 1982 (c. 36, SIF 9), s. 40, **Sch. 2 para. 3**

F3 S. 3(1)(f)(g)(h) inserted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2), s. 53(1), **Sch. 3 para. 1(2)**

F4 Words substituted by Aviation and Maritime Security Act 1990 (c. 31, SIF 39:2), s. 53(1), **Sch. 3 para. 1(3)**

F5 Words inserted by Protection of Aircraft Act 1973 (c. 47), **s. 6(1)**

F6 Words substituted by Protection of Aircraft Act 1973 (c. 47), **s. 6(1)**

Modifications etc. (not altering text)

C1 S. 3 extended by Indecency with Children Act 1960 (c. 33), **s. 1(4)**

Changes to legislation:
There are currently no known outstanding effects for the Visiting Forces Act 1952, Section 3.