

## 1965 No. 1536

## DEFENCE

**The Visiting Forces and International Headquarters  
(Application of Law) Order 1965**

*Laid before Parliament in draft*

Made - - - - 3rd August 1965

Coming into Operation 2nd September 1965

At the Court at Buckingham Palace, the 3rd day of August 1965

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has in accordance with section 8(6) of the Visiting Forces Act 1952(a) and paragraph 7 of the Schedule to the International Headquarters and Defence Organisations Act 1964(b) been laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in pursuance of section 8 of the Visiting Forces Act 1952 and paragraph 7 of the Schedule to the International Headquarters and Defence Organisations Act 1964 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 and International Headquarters (Application of Law) Order 1965.

(2) This Order shall come into operation at the expiration of thirty days beginning with the day on which it is made.

*Revocation*

2.—(1) The Visiting Forces (Application of Law) Order 1954(c), the Visiting Forces (Application of Law) Order 1956(d) and the Visiting Forces (Application of Law) Order 1961(e) are hereby revoked.

(2) Any appointment or instrument made or thing done by virtue of any provision revoked by this Order shall have effect as if made or done by virtue of the corresponding provision of this Order.

*Interpretation and application*

3.—(1) The Interpretation Act 1889(f) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

---

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.

(c) S.I. 1954/635 (1954 II, p. 2465).

(e) S.I. 1961/1512 (1961 II, p. 3088).

(b) 1964 c. 5.

(d) S.I. 1956/2042 (1956 II, p. 2447).

(f) 52 & 53 Vict. c. 63.

(2) In this Order "visiting force" means a visiting force to which this Order applies and "headquarters" means a headquarters or defence organisation to which this Order applies; and references in Articles 7 to 12 of this Order to members of a headquarters include any person so connected with the headquarters as to be a member thereof within the ordinary meaning of that expression, though not within the meaning assigned to it by paragraph 1 of the Schedule to the International Headquarters and Defence Organisations Act 1964.

(3) The visiting forces to which this Order applies are those of Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Malta, Zambia, The Gambia, the United States of America, France, Belgium, Norway, the Netherlands, Luxembourg, Turkey, Greece, Denmark, Portugal, Italy and the Federal Republic of Germany

(4) The headquarters and defence organisation to which this Order applies are—

The Supreme Headquarters Allied Powers Europe (SHAPE).

The Headquarters of the Supreme Allied Commander Atlantic (SACLANT).

The Channel Committee (CHANCOMTEE).

The Headquarters of the Allied Commander in Chief Channel (CINCHAN).

The Headquarters of the Commander of the Allied Maritime Air Force, Channel (COMMAIRCHAN).

The Headquarters of the Commander in Chief of the Eastern Atlantic Area (CINCEASTLANT).

The Headquarters of the Commander of the Maritime Air Eastern Atlantic Area (COMMAIREASTLANT).

(5) Except where the context otherwise requires, any reference in this Order to an enactment is a reference thereto as amended by or under any other enactment and includes a reference thereto as applied by or under or incorporated with any other enactment.

#### *Provision of supplies*

4.—(1) For the purposes of the Ministry of Supply Act 1939(a) (which enables the Minister of Aviation to acquire, produce and dispose of articles required for the public service and to exercise certain other powers in relation to such articles) "articles required for the public service" shall include articles required for the service of any visiting force or of any headquarters; and "works required for the public service" shall be construed accordingly.

(2) Notwithstanding any Order made under the Ministers of the Crown (Transfer of Functions) Act 1946(b) before the date on which this Order comes into force, any functions exercisable under the Ministry of Supply Act 1939 in respect of articles or works required for the service of a visiting force or of a headquarters shall be functions of the Minister of Aviation.

#### *Provision of land*

5.—(1) Any power exercisable in relation to land under the Defence Acts, the Military Lands Acts 1892 to 1903 or Part VII of the Requisitioned Land and War Works Act 1945(c) by the Secretary of State or the Minister of Aviation or exercisable under Part VI of the said Act of 1945 by any Minister within the meaning of that Act may be exercised for the purposes of any visiting force or of any headquarters to the like extent as if it formed part of each of the home forces; and accordingly—

(a) 2 & 3 Geo. 6. c. 38.

(b) 9 & 10 Geo. 6. c. 31.

(c) 8 & 9 Geo. 6. c. 43.

- (a) the enactments specified in Schedule 1 to this Order shall have effect subject to the modifications set out in relation thereto in the second column of that Schedule ; and
- (b) any reference in those enactments, or any other enactment referred to in this paragraph, to the public service shall be construed as including a reference to the service of any visiting force or of any headquarters.

(2) In this Article " the Defence Acts " means the Defence Acts 1842 to 1873, the Ordnance Board Transfer Act 1855(a), section 7 of the Lands Clauses Consolidation Acts Amendment Act 1860(b), the Defence Act Amendment Act 1864(c), and section 7 of the Militia (Lands and Buildings) Act 1873(d).

(3) Any reference in Schedule 1 to this Order to any expression contained in any enactment therein mentioned includes a reference to any other expression substituted therefor, whether expressly or by implication, and whether generally or for particular purposes, by any other enactment ; but nothing in this Article shall affect the operation of any enactment (except Part VI of the Requisitioned Land and War Works Act 1945) in its application to any Minister or department other than a Secretary of State or the Minister of Aviation.

*Appointment of special constables*

6.—(1) The power conferred by section 3 of the Special Constables Act 1923(e) and paragraph 1(1) of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act 1947(f) to appoint persons nominated by the Defence Council to be special constables within the places, premises and limits described in those enactments respectively shall extend to the appointment of persons so nominated to be special constables in, and within fifteen miles of, any other premises in Great Britain which are for the time being in the possession or under the control either of the service authorities of a visiting force or of a headquarters, or are for the time being used for or in connection with the purposes of such a force or headquarters, and subject to the following provisions of this Article the said enactments shall have effect accordingly.

(2) The proviso to section 2 of the Metropolitan Police Act 1860(g) (which as applied by the said section 3, limits the powers of special constables appointed thereunder) shall have effect as so applied as if the reference therein to the yards, naval and marine hospitals and infirmaries and marine barracks or stations included a reference to any such premises as are mentioned in the foregoing paragraph, and as if the references therein to property of the Crown and to persons subject to naval or marine, military or air force discipline included references to property either of the service authorities of a visiting force or of a headquarters and to persons subject to the service law of such a force.

(3) Paragraph 1(2) of Schedule 2 to the Emergency Laws (Miscellaneous Provisions) Act 1947 (which relates to the appointment in Northern Ireland of special constables nominated by the Defence Council) shall have effect as if the premises therein mentioned included any premises in the possession or under the control either of the service authorities of a visiting force or of a headquarters, or used for the service of such a force or of a headquarters.

(a) 18 & 19 Vict. c. 117.

(c) 27 & 28 Vict. c. 89.

(e) 13 & 14 Geo. 5. c. 11.

(b) 23 & 24 Vict. c. 106.

(d) 36 & 37 Vict. c. 68.

(f) 11 & 12 Geo. 6. c. 10.

(g) 23 & 24 Vict. c. 135.

(4) A special constable who, on the date on which this Order comes into operation, is authorised under the enactments mentioned in paragraphs (1) and (3) of this Article to act within any places, premises and limits described in those enactments may, without being further appointed or sworn for the purpose, act within any premises and limits for which special constables may be appointed by virtue of this Article.

*Postal, telegraphic and wireless services*

7. To such extent as may be provided by any agreement for the time being in force, being an agreement made by or on behalf of Her Majesty's Government in the United Kingdom with the service authorities of any visiting force or the government of the sending country of any such force or with a headquarters, and subject to such conditions and restrictions as may be prescribed by any such agreement—

- (a) letters conveyed, received, collected, sent, despatched or delivered by means of posts and post offices established in the United Kingdom by the service authorities of that force or, as the case may be, by that headquarters, shall be excepted from the exclusive privileges of the Postmaster General under section 3 of the Post Office Act 1953(a) ;
- (b) telegrams transmitted within the United Kingdom by means of a telegraph maintained by the service authorities of that force or by that headquarters shall be excepted from the exclusive privileges of the Postmaster General under section 4 of the Telegraph Act 1869(b) ;
- (c) the establishment and installation of stations or apparatus for wireless telegraphy for use by members of that force or of that headquarters for service purposes in the course of their duty as such, and the use as aforesaid of such stations or apparatus, shall be excepted from the provisions of Part I of the Wireless Telegraphy Act 1949(c) ; and
- (d) the use of any apparatus by members of that force or headquarters for service purposes in the course of their duty as such shall be excepted from section 10 of the Wireless Telegraphy Act 1949 and any regulations made thereunder.

*Road vehicles (Great Britain)*

8.—(1) Subject to the provisions of this Article, the following provisions of the enactments relating to road traffic shall not apply in relation to any vehicle in the service of a visiting force or of a headquarters, that is to say—

- (a) sections 69 and 73 of the Road Traffic Act 1960(d) ;
- (b) section 97 of that Act in so far as it imposes restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors, heavy motor cars or motor cars ;
- (c) the other provisions of that Act, except those applied by section 250(1) thereof to vehicles and persons in the public service of the Crown ;
- (d) section 2 of the Road Traffic (Driving of Motor Cycles) Act 1960(e) ;
- (e) section 10(1) of the London Government Act 1963(f).

(2) In relation to a vehicle to which section 66 of the Road Traffic Act 1960 applies and which is in the service of a visiting force or of a headquarters section 226 of that Act shall apply, but only so far as it provides for the production of test certificates and the giving of names and addresses.

(3) Subsection (4) of section 250 of the Road Traffic Act 1960 (which enables the Minister of Transport to vary, in relation to certain vehicles,

(a) 1 & 2 Eliz. 2. c. 36. (b) 32 & 33 Vict. c. 73. (c) 12, 13 & 14 Geo. 6. c. 54.  
(d) 8 & 9 Eliz. 2. c. 16. (e) 8 & 9 Eliz. 2. c. 69. (f) 1963 c. 33.

provisions imposing speed limits) shall have effect as if references in that subsection to vehicles used for naval, military or air force purposes and to a member of the armed forces of the Crown included references respectively to vehicles used for the purposes of a visiting force or of a headquarters and to a member of a visiting force or of a headquarters.

(4) Duty shall not be chargeable under the Vehicles (Excise) Act 1962(a) in respect of any vehicle in the service of a visiting force or of a headquarters.

(5) In subsections (1) and (2) of section 10 of the Road Transport Lighting Act 1957(b) (which enable the Minister of Transport 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 or of a headquarters.

(6) References in this Article to a vehicle in the service of a visiting force or of a headquarters are references to a vehicle belonging to a visiting force or a headquarters and used for the purposes of the visiting force or headquarters, and to any other vehicle when so used by a person subject to the orders of any member of such a force or of a headquarters.

*Road vehicles (Northern Ireland)*

9.—(1) Subject to the provisions of this Article, the Road Traffic Acts (Northern Ireland) 1926 to 1964 shall not apply in relation to any vehicle in the service of a visiting force or of a headquarters.

(2) Without prejudice to paragraph (5) of this Article, the foregoing paragraph shall not affect the operation of the following provisions, that is to say,—

(a) section 8 of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1929(c);

(b) sections 6, 11, 13, 30 to 41, 42, 48, 49 and 52 of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1934(d);

(c) section 3 of the Motor Vehicles and Road Traffic (Amendment) Act (Northern Ireland) 1945(e);

(d) sections 4 to 6, Part II (other than section 18(3)), Part III, Part IV, Part V except section 41, and sections 70 and 71 of the Road Traffic Act (Northern Ireland) 1955(f); and

(e) Parts I, II and IV of the Road Traffic Act (Northern Ireland) 1964(g).

(3) In the application of section 61 of the Road Traffic Act (Northern Ireland) 1955 to any person by virtue of the foregoing paragraph, that section shall apply with the omission of any reference therein to a certificate of insurance.

(4) Duty shall not be chargeable under the Vehicles (Excise) Act (Northern Ireland) 1954(h) in respect of any vehicle in the service of a visiting force or of a headquarters.

(5) In section 66 of the Road Traffic Act (Northern Ireland) 1955 (which gives the Ministry of Home Affairs power to make regulations exempting vehicles owned or used by or for the purposes of the Crown and persons driving such vehicles from the operation of the Road Traffic Acts) the reference to vehicles owned or used by or for the purposes of any service of the Crown or to persons driving such vehicles shall have effect as if it included a reference to vehicles in the service of a visiting force or of a headquarters or to persons driving such vehicles.

(a) 10 & 11 Eliz. 2. c. 13.  
(c) 20 Geo. 5. c. 21 (N.I.).  
(e) 1945 c. 18 (N.I.).  
(g) 1964 c. 20 (N.I.).

(b) 5 & 6 Eliz. 2. c. 51.  
(d) 24 & 25 Geo. 5. c. 15 (N.I.).  
(f) 1955 c. 27 (N.I.).  
(h) 1954 c. 17 (N.I.).

(6) References in this Article to a vehicle in the service of a visiting force or of a headquarters are references to a vehicle belonging to a visiting force or headquarters and used for the purposes of the visiting force or headquarters, and to any other vehicle when so used by a person subject to the orders of any member of such a force or of a headquarters.

*Exemption from rating of certain premises occupied by visiting forces or by headquarters.*

10.—(1) For the purposes of any enactment relating to rates within the meaning of the Rating and Valuation Act 1925(a) (including any enactment with respect to valuation for the purposes of such rates) a hereditament which is occupied for the purposes of a visiting force or of a headquarters in pursuance of arrangements made in that behalf with any Government department shall be treated as if it were occupied by or on behalf of the Crown for public purposes.

(2) In the application of the foregoing paragraph to Scotland, for the references to the Rating and Valuation Act 1925 and to a hereditament there shall be substituted respectively references to the Local Government (Scotland) Act 1947(b) and to lands and heritages.

(3) The use or occupation for the purposes of a visiting force or of a headquarters of any hereditament or tenement within the meaning of the Valuation Acts (Northern Ireland) 1852 to 1962 in pursuance of arrangements made in that behalf with any Government department shall be regarded as use and occupation of a public nature and for a public purpose, and the Commissioner of Valuation shall cause any such hereditament or tenement while so used or occupied to be distinguished accordingly under section 2 of the Valuation (Ireland) Act 1854(c).

*Exemption from harbour dues*

11. In relation to the Harbours, Docks and Piers Clauses Act 1847(d) and any special Act within the meaning of that Act the members and persons employed in the service of a visiting force or of a headquarters, and vessels, aircraft, stores and goods in the service of or belonging to such a force or a headquarters, shall be entitled to the like exemptions, immunities and privileges as are enjoyed under section 28 of that Act by members of a home force, and vessels, aircraft, stores and goods in the service of or belonging to Her Majesty for the purposes of such a force, but subject to the payment by the service authorities of the visiting force, or as the case may be, by the headquarters, of such sums on account of rates and duties to which the said section 28 applies as would be payable under any agreement made on behalf of Her Majesty with respect to the payment of sums on account of such rates and duties if the visiting force or headquarters formed part of the home forces.

*Miscellaneous exemptions, immunities and privileges*

12.—(1) Any exemption, immunity or privilege which subsists in respect of the enactments specified in Schedule 2 to this Order by virtue of the rule of law with respect to the application of enactments to the Crown shall extend to the service authorities of a visiting force and to a headquarters, and to the members of such a force or of a headquarters, and to property held or used for the purposes of such a force or of a headquarters, as if the force or headquarters formed part of the home forces.

(2) Such of the provisions of the enactments mentioned in the first column of Schedule 3 to this Order as are specified in the second column of that Schedule shall have effect subject to the modifications set out in relation

(a) 15 & 16 Geo. 5. c. 90.

(b) 10 & 11 Geo. 6. c. 43.

(c) 17 & 18 Vict. c. 8.

(d) 10 & 11 Vict. c. 27.

thereto in that Schedule, being modifications for conferring on visiting forces (so far as they are not so conferred by those provisions) and on headquarters the exemptions, immunities or privileges conferred or regulated by those enactments on or in relation to the home forces.

*Witnesses before service courts, custody and detention of prisoners, etc.*

13.—(1) The provisions of Schedule 4 to this Order shall have effect with respect to the attendance and conduct of witnesses required for the purposes of the service courts of visiting forces, the privileges of such witnesses and courts, and the administration of oaths therein.

(2) The provisions of Schedule 5 to this Order shall have effect with respect to the custody, detention and treatment of persons sentenced by such courts to imprisonment or detention.

*Penalties for inducing or assisting desertion, etc.*

14. Section 192 of the Army Act 1955(a) (punishment for procuring and assisting desertion or absence without leave) shall have effect as if any reference therein to a member of the regular forces included a reference to a member of a visiting force or of a headquarters.

*Application of certain provisions relating to the notification of diseases*

15. Section 146 of the Public Health Act 1936(b) (which relates to the notification of certain diseases occurring in premises of the home forces) and section 5 of the Local Government (Emergency Provisions) Act 1916(c) (which makes corresponding provision in respect of premises in Scotland) shall have effect as if references therein to Her Majesty's forces and to the Ministry of Defence included respectively references to a visiting force or a headquarters and to the service authorities of such a force or to a headquarters.

*Application of Factories Acts*

16.—(1) Subsection (9) of section 175 of the Factories Act 1961(d) (which provides for the application of that Act to premises, operations and works of the Crown and of certain other authorities, notwithstanding that the work carried on is not carried on by way of trade or for purposes of gain) shall have effect as if references in that subsection to the Crown included references to the service authorities of any visiting force and to a headquarters.

(2) So much of subsection (1) of section 173 of that Act as provides for the temporary exemption from the Act of factories, operations and works of the Crown, and subsection (2) of that section (which relates to the exercise of powers in respect of such factories, operations and works), shall have effect in relation to any factories belonging to or occupied by the service authorities of a visiting force or a headquarters, and any operations or works undertaken by or on behalf of such authorities or a headquarters, as they have effect in relation to factories belonging to or in the occupation of the Crown or operations or works undertaken by or on behalf of the Crown.

(3) Sections 32 to 34 of that Act (which relate to steam boilers) shall not apply to boilers belonging to the service authorities of a visiting force or to a headquarters or exclusively used for the service of such a force or a headquarters.

(a) 3 & 4 Eliz. 2. c. 18.  
(c) 6 & 7 Geo. 5. c. 12.

(b) 26 Geo. 5 & 1 Edw. 8. c. 49.  
(d) 9 & 10 Eliz. 2. c. 34.

(4) In the application of this Article to Northern Ireland, for references to the Factories Act 1961 and to sections 175, 173 and 32 to 34 thereof there shall be substituted respectively references to the Factories Act (Northern Ireland) 1938(a) and to sections 157, 156 and 30 thereof.

*W. G. Agnew.*

SCHEDULE 1

Article 5

ENACTMENTS RELATING TO LAND

The Defence Act 1842  
5 & 6 Vict. c. 94

Throughout the Act, any reference to the use or the service of the ordnance department, or of the ordnance or barrack departments, or to the ordnance or barrack services, shall include a reference to the service of a visiting force or a headquarters.

The Lands Clauses Consolidation Acts Amendment Act 1860  
23 & 24 Vict. c. 106

In section 7, the reference to Her Majesty's naval, military or air forces shall include a reference to a visiting force and a headquarters.

The Military Lands Act 1892  
55 & 56 Vict. c. 43

Throughout the Act, the expression "military purposes" (except where used in relation to the acquisition of land by or on behalf of the Royal Naval Volunteer Reserve or the Territorial Army or to land so acquired), and in section 1 the expressions "military purposes of any portion of Her Majesty's military forces" and "naval purposes of any portion of Her Majesty's naval forces" shall include the service of any visiting force or any headquarters.

The Military Lands Act 1900  
63 & 64 Vict. c. 56

In section 2, references to military purposes shall include references to the service of a visiting force or of a headquarters.

SCHEDULE 2

Article 12(1)

ENACTMENTS TO WHICH GENERAL CROWN PRIVILEGE APPLIES

*Enactments other than those applying only in Scotland or Northern Ireland*

The Public Health Acts 1875 to 1925.

The Merchandise Marks Acts 1887 to 1953.

The Petroleum (Regulation) Acts 1928 and 1936.

The Celluloid and Cinematograph Film Act 1922 (12 & 13 Geo. 5. c. 35).

---

(a) 2 Geo. 6. c. 23 (N.I.).



SCHEDULE 2 (*continued*)

The Public Health Act 1936 (26 Geo. 5 & 1 Edw. 8. c. 49).

The Firearms Act 1937 (1 Edw. 8 & 1 Geo. 6. c. 12) except so much of sections 1 to 4 as applies to persons in the service of Her Majesty by virtue of section 5.

The Import, Export and Customs Powers (Defence) Act 1939 (2 & 3 Geo. 6. c. 69).

Section 95 of the Agriculture Act 1947 (10 & 11 Geo. 6. c. 48).

The Radioactive Substances Act 1948 (11 & 12 Geo. 6. c. 37).

The Shops Act 1950 (14 Geo. 6. c. 28).

The Rivers (Prevention of Pollution) Acts 1951 to 1961.

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).

The Thermal Insulation (Industrial Buildings) Act 1957 (5 & 6 Eliz. 2. c. 40).

Section 6(1) of the Geneva Conventions Act 1957 (5 & 6 Eliz. 2. c. 52).

The Weeds Act 1959 (7 & 8 Eliz. 2. c. 54).

Section 22 of the Mental Health Act 1959 (7 & 8 Eliz. 2. c. 72).

Sections 51 and 52 of the Road Traffic Act 1960 (8 & 9 Eliz. 2. c. 16) except so far as they relate to any object, device, line or mark for conveying warnings, information, requirements, restrictions or prohibitions to traffic on highways; section 56 of that Act except so far as it relates to any object or device for the guidance or direction of persons using highways; and section 58 of that Act.

The Public Health Act 1961 (9 & 10 Eliz. 2. c. 64).

The Town and Country Planning Acts 1962 and 1963.

The Weights and Measures Act 1963 (1963 c. 31).

The Emergency Laws (Re-enactments and Repeals) Act 1964 (1964 c. 60).

The Dangerous Drugs Act 1965 (1965 c. 15).

*Enactments applying only in Scotland*

The Rivers Pollution Prevention Act 1876 (39 & 40 Vict. c. 75).

The Burgh Police (Scotland) Acts 1892 to 1903.

The Public Health (Scotland) Acts 1897 to 1945.

The Milk and Dairies (Scotland) Acts 1914 to 1949.

The Nursing Homes Registration (Scotland) Act 1938 (1 & 2 Geo. 6. c. 73).

The Town and Country Planning (Scotland) Acts 1947 to 1963.

Section 35 of the Agriculture (Scotland) Act 1948 (11 & 12 Geo. 6. c. 45).

The Rivers (Prevention of Pollution) (Scotland) Acts 1951 and 1965.

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).

The Building (Scotland) Act 1959 (7 & 8 Eliz. 2. c. 24).

*Enactments applying only in Northern Ireland*

The Rivers (Prevention of Pollution) Acts (Northern Ireland) 1876 and 1893.

The Public Health Acts (Northern Ireland) 1878 to 1962.

The Petroleum (Regulation) Acts (Northern Ireland) 1929 and 1937.

The Planning Acts (Northern Ireland) 1931 and 1944.

The Infectious Diseases (Prevention) Act 1890 (53 & 54 Vict. c. 34).

SCHEDULE 2 (*continued*)

The Firearms Act 1920 (10 & 11 Geo. 5. c. 43) except so much of section 1 as applies to persons in the service of Her Majesty by virtue of section 2 of the Firearms (Amendment) Act 1936 (26 Geo. 5 & 1 Edw. 8. c. 39).

Part II of the Midwives and Nursing Homes Act (Northern Ireland) 1929 (19 Geo. 5. c. 6 (N.I.)).

Section 7 of the Firearms (Amendment) Act 1936 (26 Geo. 5 & 1 Edw. 8. c. 39).

The Shops Act (Northern Ireland) 1946 (1946 c. 7 (N.I.)).

In the Roads Act (Northern Ireland) 1948 (1948 c. 28 (N.I.)) section 18 and, except so far as it relates to traffic signs for the guidance or direction of persons using public roads, section 25.

Part II of the Agriculture Act (Northern Ireland) 1949 (1949 c. 2 (N.I.)).

The Milk Act (Northern Ireland) 1950 (1950 c. 31 (N.I.)).

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

The Food and Drugs Act (Northern Ireland) 1958 (1958 c. 27 (N.I.)).

The Marketing of Milk Products Act (Northern Ireland) 1958 (1958 c. 31 (N.I.)).

The Agriculture (Safety, Health and Welfare Provisions) Act (Northern Ireland) 1959 (1959 c. 24 (N.I.)).

## SCHEDULE 3

## Article 12(2)

## ENACTMENTS CONFERRING SPECIFIC EXEMPTIONS, PRIVILEGES, ETC.

*Enactments other than those applying only in Scotland or Northern Ireland*

- |  |  |
|--|--|
| <p><b>The Gun Barrel Proof Act</b><br/>1868<br/>31 &amp; 32 Vict. c. cxiii</p> | <p>So much of section 119 as relates to a military barrel made for the use of Her Majesty's forces while it is the property of Her Majesty shall apply to any military barrel belonging to the service authorities of a visiting force or to a headquarters or in the possession of a member of such a force or a headquarters in his capacity as such.</p>  |
| <p><b>The Gun Licence Act 1870</b><br/>33 &amp; 34 Vict. c. 57</p>             | <p>In section 7(1) the reference to any person in the naval, military or volunteer service of Her Majesty shall include a reference to any member of a visiting force or of a headquarters.</p> <p>In section 9 the reference to a person in the naval, military or volunteer service of Her Majesty shall include a reference to a member of a visiting force or of a headquarters.</p>   |
| <p><b>The Explosives Act 1875</b><br/>38 &amp; 39 Vict. c. 17</p>              | <p>In section 97 any reference to the Secretary of State or other department of the Government (except the second such reference in paragraph (5)) shall include a reference to the service authorities of a visiting force and to a headquarters, and any reference to the service of the Crown shall include a reference to the service of a visiting force or a headquarters; and in paragraph (2) of that section the reference to Her Majesty's ships, aircraft, boats and carriages shall include a reference to ships, aircraft, boats and carriages of a visiting force or a headquarters.</p> |

## SCHEDULE 3 (continued)

- The Municipal Corporations Act 1882**  
45 & 46 Vict. c. 50
- In section 254 the reference to Her Majesty's dockyards, victualling establishments, arsenals, barracks or other naval or military establishments shall include a reference to the establishments of a visiting force or a headquarters.
- The Cheap Trains Act 1883**  
46 & 47 Vict. c. 34
- In section 6(1) the reference to the public service shall include a reference to the service of a visiting force or a headquarters; the whole section shall apply in relation to members of such a force or headquarters and to stores, arms, ammunition and other necessaries and things belonging to the service authorities of such a force or to a headquarters as it applies in relation to the forces (as therein defined) and to public baggage, stores, arms, ammunition and other necessaries and things; and references throughout the section as extended by this Order to the Secretary of State shall be construed as references to the service authorities of the visiting force or to a headquarters.
- The Ferries (Acquisition by Local Authorities) Act 1919**  
9 & 10 Geo. 5. c. 75
- In section 4 the references to the service of the Crown and to the property of the Crown shall include respectively references to the service of a visiting force or of a headquarters and to the property of such a force or of a headquarters.
- The Law of Property Act 1925**  
15 & 16 Geo. 5. c. 20
- In section 84(11) the reference to naval, military or air force purposes shall include a reference to the purposes of a visiting force or of a headquarters.
- In section 193(6) the reference to naval, military or air force purposes shall include a reference to the purposes of a visiting force or of a headquarters.
- The Public Health Act 1936**  
26 Geo. 5 & 1 Edw. 8. c. 49
- In section 199(1), in the definition of "nursing home", the reference to a hospital or other premises maintained or controlled by a Government department shall include a reference to a hospital or other premises maintained or controlled by the service authorities of a visiting force or by a headquarters.
- The Public Order Act 1936**  
1 Edw. 8 & 1 Geo. 6. c. 6
- In section 4 at the end of subsection (2) there shall be added the words "or as a member of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 or of a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964".

## SCHEDULE 3 (continued)

- The Firearms Act 1937**  
1 Edw. 8 & 1 Geo. 6. c. 12
- In section 5, in paragraph (a), the references to a person in the service of Her Majesty and to the public service shall include respectively references to a member of a visiting force or a headquarters and to the service of such a force or headquarters; and in paragraph (b), the reference to a person in the naval, military or air service of Her Majesty shall include a reference to a member of such a force or a headquarters.
- The London Building Acts (Amendment) Act 1939**  
2 & 3 Geo. 6. c. xcvii
- In section 151, at the end of subsection (1), there shall be added the following paragraph:—  
“(e) every building, structure or work vested in Her Majesty, the service authorities of a visiting force (within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952) or in any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 and, in each case, occupied by the service authorities of such a force or by such a headquarters or organisation”.
- The Emergency Laws (Miscellaneous Provisions) Act 1947**  
11 & 12 Geo. 6. c. 10
- In Schedule 2, in paragraph 4, after the words “that department” there shall be inserted the words “or with the service authorities of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952 or with any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964”.
- The Agricultural Holdings Act 1948**  
11 & 12 Geo. 6. c. 63
- In section 23(1)(d)(i) the reference to naval, military or air force purposes shall include a reference to the purposes of a visiting force or a headquarters.
- The Marriage Act 1949**  
12, 13 & 14 Geo. 6. c. 76
- In section 68(2) the descriptions of persons who are qualified persons shall include any person who, at the relevant date for the purposes of the subsection, is a member of a visiting force or a headquarters or the daughter of such a member.
- The Patents Act 1949**  
12, 13 & 14 Geo. 6. c. 87
- In sections 46 to 48 any reference to the services of the Crown (except the reference in section 46(6)) shall include a reference to the service of a visiting force or a headquarters.
- The Registered Designs Act 1949**  
12, 13 & 14 Geo. 6. c. 88
- In section 12 and in paragraphs 1 to 3 of Schedule 1 any reference to the services of the Crown (except the reference in paragraph 1(6) of Schedule 1) shall include a reference to the service of a visiting force or a headquarters.

## SCHEDULE 3 (continued)

The Shops Act 1950  
14 Geo. 6. c. 28

In Schedule 2, in paragraph 1(i), the reference to any naval, military or air force authority shall include a reference to the service authorities of a visiting force and to a headquarters, and the reference to Her Majesty's forces shall include a reference to a visiting force and a headquarters.

The Fireworks Act 1951  
14 & 15 Geo. 6. c. 58

In section 5(3) the reference to the Crown shall include a reference to the service authorities of a visiting force and to a headquarters.

The Customs and Excise Act  
1952  
15 & 16 Geo. 6 & 1 Eliz.  
2. c. 44

In section 150(1), in paragraph (a) of the proviso, the reference to a person holding a canteen under the authority of a Secretary of State shall include a reference to a person holding a canteen under the authority of the service authorities of a visiting force or under the authority of a headquarters.

The Transport Act 1953  
1 & 2 Eliz. 2. c. 13

In section 24(1) the references to the Secretary of State or police authority shall, in relation to a visiting force or a headquarters, be construed as references to the service authorities of the force or to the headquarters.

The Landlord and Tenant  
Act 1954  
2 & 3 Eliz. 2. c. 56

In section 56(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 or by or on behalf of a headquarters and to the purposes of a visiting force or a headquarters.

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 or to a headquarters and to the purposes of a visiting force or a headquarters.

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 or a headquarters, to vehicles belonging to the service authorities of a visiting force or to a headquarters, to service in a visiting force or headquarters and to the service authorities of a visiting force or to a headquarters.

SCHEDULE 3 (*continued*)

- The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955**  
3 & 4 Eliz. 2. c. 20
- In Schedule 3, 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 or a headquarters, and to any ship in the service of such a force or of a headquarters; and in paragraph 2 the reference to the Secretary of State shall include a reference to the service authorities of a visiting force and to a headquarters.
- The Clean Air Act 1956**  
4 & 5 Eliz. 2. c. 52
- Section 22(4) shall apply in relation to premises occupied by a headquarters as it applies in relation to premises occupied by arrangement with the Ministry of Defence for the service of a visiting force.
- The Land Powers (Defence) Act 1958**  
6 & 7 Eliz. 2. c. 30
- In section 25(1) the reference to any visiting force shall include a reference to a headquarters.
- The Mental Health Act 1959**  
7 & 8 Eliz. 2. c. 72
- In section 14(2)(b) the reference to premises managed by a Government department shall include a reference to premises managed by the service authorities of a visiting force or by a headquarters.
- The Radioactive Substances Act 1960**  
8 & 9 Eliz. 2. c. 34
- In section 14(2) the reference to premises in the occupation of a Government department shall include a reference to premises in the occupation of a headquarters.
- The Game Laws (Amendment) Act 1960**  
8 & 9 Eliz. 2. c. 36
- In section 2(3), at the end of paragraph (c), there shall be added: "or
- (d) the service authorities of a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952; or
- (e) any headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964."
- The Town and Country Planning Act 1962**  
10 & 11 Eliz. 2. c. 38
- In section 199 references to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown shall be construed as not including an interest held by a visiting force or a headquarters in pursuance of arrangements made in that behalf with any Government department.
- The Weights and Measures Act 1963**  
1963 c. 31
- In section 21(5)(a) the reference to a visiting force shall include a reference to a headquarters.
- The Water Resources Act 1963**  
1963 c. 38
- In section 123(1) references to a visiting force shall include references to a headquarters.

SCHEDULE 3 (*continued*)

The Offices, Shops and Railway Premises Act 1963  
1963 c. 41

In section 84 the following shall be inserted after subsection (2):—

“(2A) This Act shall not operate to create towards a member of a headquarters or organisation designated for the purposes of the International Headquarters and Defence Organisations Act 1964 who is a member of the naval, military or air forces of any country a liability in tort against the headquarters or organisation in respect of anything done or omitted by it or against another member thereof in respect of anything done or omitted by him in the course of his duty.”

The Licensing Act 1964  
1964 c. 26

In section 201(1)—

in the definition of “canteen” the reference to the Secretary of State shall include references to the service authorities of a visiting force and to a headquarters;

in the definition of “mess” the reference to members of Her Majesty’s naval, military or air forces shall include a reference to members of a visiting force or of a headquarters.

The Drugs (Prevention of Misuse) Act 1964  
1964 c. 64

In section 1(4) the reference to a servant of the Crown shall include a reference to a member of a visiting force or of a headquarters.

*Enactments applying only in Scotland*

The Public Health (Scotland) Act 1897  
60 & 61 Vict. c. 38

In section 73(4) the reference to any portion of Her Majesty’s naval or military forces shall include a reference to a visiting force or a headquarters.

In section 101 the reference to persons appointed by the Crown shall include a reference to persons appointed by the service authorities of a visiting force or by a headquarters.

In section 194 the reference to any building, structure or work vested in, or in the occupation of, any department of Her Majesty’s Government for public purposes or for the public service shall include a reference to any building, structure or work vested in, or in the occupation of, any visiting force or any headquarters for the purposes or service of that force or headquarters.

The Burgh Police (Scotland) Act 1903  
3 Edw. 7. c. 33

In section 100 the reference to any building, structure or work vested in, or in the occupation of, any department of Her Majesty’s Government for public purposes or for the public service shall include a reference to any building, structure or work vested in, or in the occupation of, any visiting force or any headquarters for the purposes or service of that force or headquarters.

SCHEDULE 3 (*continued*)

- |   |  |
|---|--|
| <p><b>Nursing Homes Registration (Scotland) Act 1938</b><br/>1 &amp; 2 Geo. 6. c. 73</p>            | <p>In section 10 in the definition of "nursing home" the reference to any hospital or other premises maintained or controlled by a Government department shall include a reference to a hospital or other premises maintained or controlled by the service authorities of a visiting force or by a headquarters.</p>                               |
| <p><b>The Town and Country Planning (Scotland) Act 1947</b><br/>10 &amp; 11 Geo. 6. c. 53</p>       | <p>In section 83 references to an interest in Crown land which is for the time being held otherwise than by or on behalf of the Crown shall be construed as not including an interest held by a visiting force or a headquarters in pursuance of arrangements made in that behalf with any Government department.</p>                              |
| <p><b>The Licensing (Scotland) Act 1959</b><br/>7 &amp; 8 Eliz. 2. c. 51</p>                        | <p>In section 121(2)(f) and in section 150(3) the references to a Secretary of State shall include references to the service authorities of a visiting force and to a headquarters, and the references to members of Her Majesty's naval, military or air forces shall include references to members of a visiting force or of a headquarters.</p> |
| <p><b>Mental Health (Scotland) Act 1960</b><br/>8 &amp; 9 Eliz. 2. c. 61</p>                        | <p>In section 15(3)(c) the reference to any other premises managed by a Government department shall include a reference to premises managed by the service authorities of a visiting force or by a headquarters.</p>   |
| <p><i>Enactments applying only in Northern Ireland</i></p>  |  |
| <p><b>The Housing of the Working Classes Act 1885</b><br/>48 &amp; 49 Vict. c. 72</p>               | <p>In section 9(7) the reference to any portion of Her Majesty's military or naval forces shall include a reference to a visiting force or a headquarters.</p>   |
| <p><b>The Infectious Disease (Notification) Act 1889</b><br/>52 &amp; 53 Vict. c. 72</p>            | <p>In section 15 the reference to a building, ship, vessel, boat, tent, van, shed or similar structure belonging to Her Majesty shall include a reference to a building, ship, vessel, boat, tent, van, shed or similar structure belonging to the service authorities of a visiting force or to a headquarters.</p>                               |
| <p><b>The Public Health (Ireland) Act 1896</b><br/>59 &amp; 60 Vict. c. 54</p>                      | <p>In section 32 the reference to buildings, offices and premises vested in or in the occupation of Her Majesty shall include a reference to buildings, offices and premises held for the service of a visiting force or of a headquarters.</p>  |
| <p><b>The Midwives and Nursing Homes Act (Northern Ireland) 1929</b><br/>19 Geo. 5. c. 6 (N.I.)</p> | <p>In section 13(1), in the definition of "nursing home", the reference to any hospital or other premises maintained or controlled by a Government department shall include a reference to a hospital or other premises maintained or controlled by the service authorities of a visiting force or by a headquarters.</p>                          |



**The Firearms (Amendment)  
Act 1936**  
26 Geo. 5 & 1 Edw. 8.  
c. 39

In section 2(1)(a) the references to a person in the service of Her Majesty and to the public service shall include respectively references to a member of a visiting force or a headquarters and to the service of such a force or headquarters; and in section 2(1)(b) the reference to a person in the naval, military or air services of Her Majesty shall include a reference to a member of such a force or a headquarters.

**The Shops Act (Northern  
Ireland) 1946**  
1946 c. 7 (N.I.)

In Schedule 1, in paragraph 1(h), the reference to any naval, military or air force authority shall include a reference to the service authorities of a visiting force and to a headquarters, and the reference to Her Majesty's forces shall include a reference to a visiting force and a headquarters.

**The Mental Health Act  
(Northern Ireland) 1961**  
1961 c. 15 (N.I.)

In section 67, at the end of subsection (7), there shall be added the words "and not being premises managed by the service authorities of a visiting force or by a headquarters."

**The Clean Air Act (Northern  
Ireland) 1964**  
1964 c. 16 (N.I.)

Section 22(5) shall apply in relation to premises occupied by a headquarters as it applies in relation to premises occupied by arrangement with the Ministry of Defence for the service of a visiting force.

## Article 13(1)

## SCHEDULE 4

### 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 1957, to military law or to air-force law, or a person subject to the jurisdiction of the service authorities of a country in accordance with 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 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.

#### *Service witnesses*

3. 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 1957, to military law or to air-force law, may, in accordance with arrangements made in that behalf between the service authorities of the sending country and the Defence Council, be ordered to attend that court by the proper naval, military or air force authority.

## SCHEDULE 4 (continued)

*General provisions*

4. 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.

5. A witness before a service court of a visiting force, and 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.

6. 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 1957, the Army Act 1955 or the Air Force Act 1955.

7. 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.

8.—(1) In relation to any person summoned or ordered to attend a service court by virtue of this Schedule, the relevant enactments shall apply (subject to the following provisions of this paragraph) as if the service court were a court-martial and the proceedings were proceedings under the relevant Act, and any reference in those enactments to anything duly required or lawfully required, or to anything required or falling to be done under the relevant Act or any provisions thereof, shall be construed accordingly.

(2) In this paragraph "the relevant enactments"—

(a) in relation to a person summoned or ordered to attend by virtue of paragraph 1 of this Schedule, means section 101 of the Army Act 1955 (which relates to offences by civilians in relation to courts-martial);

(b) in relation to a person ordered to attend by virtue of paragraph 3 of this Schedule, being a person subject to the Naval Discipline Act 1957, means subsection (1) of section 38 of that Act (which relates to offences in relation to courts-martial by persons subject to that Act) and so much of section 60 of that Act (as modified by the Oaths Act 1961) as provides for a person to be permitted, or enables a person to be required, to make a solemn affirmation instead of taking an oath; and

(c) in relation to a person ordered to attend by virtue of paragraph 3 of this Schedule, being a person subject to military law or to air-force law, means 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 offences in relation to courts-martial by persons subject to military law or air-force law) and section 102 of the Army Act 1955 or of the Air Force Act 1955, as the case may be (whereby, as modified by the Oaths Act 1961, a person is in certain circumstances to be permitted, or may be required, to make a solemn affirmation instead of taking an oath),

and "the relevant Act" means the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955, as the case may be.

(3) The relevant enactments, as applied by sub-paragraph (1) of this paragraph, shall have effect subject to the provisions of paragraphs 4 and 5 of this Schedule, and subject to any rule of law with respect to Crown privilege.

(4) Sub-paragraph (1) of this paragraph shall not enable a person to be tried by a service court of a visiting force for an offence under any of the relevant enactments as applied by that sub-paragraph; and accordingly in subsection (1) of section 57 of the Army Act 1955 or of the Air Force Act 1955, as applied by that sub-paragraph, the reference to conviction by a court-martial, other than the court in relation to which the offence was committed, shall be construed as a reference to conviction by court-martial.

## Article 13(2)

## SCHEDULE 5

**CUSTODY, DETENTION AND TREATMENT OF PERSONS SENTENCED  
BY SERVICE COURTS OF VISITING FORCES**

1. A member of a visiting force or military member of a headquarters who is sentenced by a service court of a visiting force to any form of imprisonment may, under the authority of 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 1957, 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 or military member of a headquarters who is sentenced by a service court of a visiting force to detention may, under the authority of 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 1957, 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 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 Defence 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 1957, 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 1957, 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.

**SCHEDULE 5 (continued)**

(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 Schedule 5 to the Visiting Forces and International Headquarters (Application of Law) Order 1965”.

---

**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order consolidates with amendments the Visiting Forces (Application of Law) Order 1954 as subsequently amended. The principal amendment is that the Order applies to headquarters and defence organisations designated under the International Headquarters and Defence Organisations Act 1964 (in this Note referred to as “headquarters”).

The visiting forces and other bodies to which the Order applies are defined in Article 3(3) and (4).

By Article 4 the powers of the Minister of Aviation under the Ministry of Supply Act 1939, which include power to acquire and produce articles required for the public service, are extended so as to include power to acquire and produce articles required for visiting forces and for headquarters; and his other powers under that Act are correspondingly extended.

By Article 5 and Schedule 1 a number of powers vested in government departments to acquire and use land and rights over land for the purposes of the home forces are extended so as to enable those departments to acquire and use land and rights over land for the purposes of visiting forces and headquarters.

Article 6 enables persons who are employed as special constables by the home forces to exercise their functions in relation to premises used by visiting forces and headquarters.

Article 7 enables agreements to be made with visiting forces and headquarters to empower them to maintain their own posts and post offices, to transmit telegrams and to establish and install wireless stations.

Article 8 extends privileges attaching in Great Britain to vehicles of the home forces, and persons connected therewith, to visiting force and headquarters vehicles and persons connected therewith.

Article 9 makes similar provision in respect of Northern Ireland.

Article 10 extends to premises occupied by visiting forces and headquarters the exemptions from rating enjoyed in relation to premises occupied by the home forces.

Article 11 extends to members and persons employed in the service of a visiting force or headquarters, their vessels, aircraft, stores and goods, the exemptions, immunities and privileges enjoyed by the home forces under section 28 of the Harbours, Docks and Piers Clauses Act 1847, but any agreement made on behalf of Her Majesty with respect to the payment of rates and duties will apply.

Article 12(1) extends to visiting forces and headquarters exemptions, immunities and privileges which the home forces enjoy under the Acts listed in Schedule 2. These are certain exemptions, immunities and privileges under the Acts listed in that Schedule which the home forces enjoy apart from any express provision as to their application to the Crown and by virtue of the general rule of law with respect to the construction of statutes whereby, in the absence of express provision, a statute does not bind the Crown.

Article 12(2) extends to visiting forces and to headquarters the exemptions, immunities and privileges enjoyed by the home forces or the Crown under express provisions in the enactments in Schedule 3. Some of these provisions already make express provision for visiting forces and, in those cases, the Article operates only in relation to headquarters.

Article 13 introduces Schedules 4 and 5 of which further details are given later in this Note.

Article 14 provides for penalties for inducing or assisting desertion from a visiting force or headquarters corresponding to the penalties applicable under section 192 of the Army Act 1955.

Article 15 adapts the provisions relating to the notification of infectious diseases contracted by members of the home forces.

Article 16 deals with sections of the Factories Acts making special provision for the application of those Acts to the Crown.

Paragraph (1) adapts section 175(9) of the Factories Act 1961, which applies the Act to Crown premises and operations notwithstanding that the work carried on is not carried on by way of trade or for purposes of gain.

Paragraph (2) adapts section 173(1) of the same Act, which enables Crown factories and operations to be temporarily exempted from the Act, and section 173(2) which requires that certain responsibilities which as respects factories in general lie on local authorities shall, as respects Crown factories, lie on government inspectors.

Schedule 4 adapts certain provisions of the law relating to courts-martial held by the home forces so as to apply to service courts of visiting forces.

Under paragraphs 1, 2 and 8 a civilian witness may be summoned to attend a service court; and a witness who fails to attend or misconducts himself may be punished as in the case of a civilian witness in proceedings before a court-martial. Under paragraphs 3 and 8 witnesses who are members of the home forces may be required to attend service courts of visiting forces and may be punished for failure to attend or for misconduct as in the case of service witnesses in proceedings before courts-martial. In each case the process requiring witnesses to attend is issued by or on behalf of an officer of the home forces.

Paragraph 4 introduces safeguards to secure that a witness summoned before a service court under the Order shall have the same privileges as respects the giving of evidence as he would have before a court-martial.

Paragraph 5 confers on civilian and service witnesses the privilege of freedom from arrest which would be available for witnesses before courts-martial.

Paragraph 6 introduces a corresponding safeguard as respects witnesses' privileges under the law of defamation.

Paragraph 7 authorises the administration of oaths before a service court.

Schedule 5 deals with the custody, detention and treatment of persons sentenced by service courts of visiting forces.

Paragraphs 1 and 2 enable a member of a visiting force or military member of a headquarters sentenced by a service court to imprisonment or detention to be detained in any prison, establishment or other form of custody in which a member of the home forces sentenced by a court-martial could be detained.

Paragraph 3 makes corresponding provision for persons subject to the jurisdiction of a service court although not members of the forces of the country in question. (Such a person cannot be sentenced by a service court if he is a citizen of the United Kingdom and Colonies or ordinarily resident in the United Kingdom).

Paragraph 4 authorises the Defence Council to make arrangements with the service authorities of a visiting force as to the reception of persons to be detained under the Schedule and their return to those authorities, and as to the circumstances in which they are to be released.

Paragraphs 5 and 6 ensure that while persons are detained under this Schedule they shall be subject to the law which would govern members of the home forces while imprisoned or detained in similar circumstances and for their apprehension and return if they become unlawfully at large.