
STATUTORY INSTRUMENTS

2008 No. 299

DEFENCE

The Visiting Forces (Designation) Order 2008

*Made - - - - 12th February 2008
Coming into force in relation to each country specified
in Article 4 on the date determined in accordance with
Article 2*

At the Court at Buckingham Palace, the 12th day of February 2008

Present,

The Queen's Most Excellent Majesty in Council

It appears to Her Majesty that, as the countries specified in Article 4 to this Order are party to arrangements for defence co-operation to which the United Kingdom is also party, the provisions of the Visiting Forces Act 1952⁽¹⁾ ('the 1952 Act') following section 1 should have effect in relation to each of those countries:

Accordingly, Her Majesty, on the advice of Her Privy Council and in exercise of the powers conferred on Her by section 1(2)⁽²⁾ and 15(2) of the 1952 Act, makes the following Order:

1. This Order may be cited as The Visiting Forces (Designation) Order 2008 and shall come into force in accordance with the provisions of Article 2.

2.—(1) In relation to Croatia and Jordan, this Order shall come into force the day after the date on which this Order is made.

(2) In relation to Bosnia-Herzegovina, Montenegro, Serbia and Tajikistan, this Order shall come into force on whichever is the later of—

(a) the date on which their Governments become parties to the Agreement, dated 19th June 1995, made between Member States of the North Atlantic Treaty Organisation and those other States which have accepted the invitation to take part in the Partnership for Peace⁽³⁾; or

(b) the day after the date on which this Order is made.

(3) In relation to Ireland, this Order shall come into force on whichever is the later of either—

⁽¹⁾ 1952 c. 67.

⁽²⁾ Section 1(2) was amended by section 33 of the Armed Forces Act 1996 (c.46).

⁽³⁾ Misc. No.12 (1966). Cm 3237.

- (a) the date on which—
- (i) the Agreement referred to in Article 2(4) enters into force in respect of the United Kingdom; or
 - (ii) its Government becomes a party to the Agreement, dated 19th June 1995, made between Member States of the North Atlantic Treaty Organisation and those other States which have accepted the invitation to take part in the Partnership for Peace;

or

- (b) the day after the date on which this Order is made.

(4) For the purposes of Article 2(3), “the Agreement” means the Agreement between the Member States of the European Union concerning the status of the military and civilian staff seconded to the military staff of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context(4).

3. The date on which the Order comes into force in respect of Bosnia-Herzegovina, Montenegro, Ireland, Serbia and Tajikistan shall be notified in the London, Edinburgh and Belfast Gazettes.

4. Bosnia-Herzegovina, Croatia, Ireland, Jordan, Montenegro, Serbia and Tajikistan are designated for the purposes of sections 2 to 19 of, and the Schedule to, the 1952 Act.

5. This Order shall not extend to any of the territories specified in section 15(3) of the 1952 Act(5).

Judith Simpson
Clerk of the Privy Council

(4) OJ No C 321, 31.12.03, p6.

(5) Section 15(3) was amended by the British Nationality Act 1981 (c.61), section 52(8) and Schedule 9.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates Bosnia-Herzegovina, Croatia, Ireland, Jordan, Montenegro, Serbia and Tajikistan as countries to which the Visiting Forces Act 1952 applies.

In relation to Bosnia-Herzegovina, Croatia, Ireland, Montenegro, Serbia and Tajikistan, this Order partially implements the obligations imposed on the United Kingdom by the Agreement, dated 19th June 1995, made between the Member States of the North Atlantic Treaty Organisation (NATO) and those other States which have accepted the invitation to take part in the Partnership for Peace. The effect of this Order, together with the Visiting Forces (Designation) Order 1997 and the Visiting Forces (Designation) Order 1998, is to designate as countries to which the Visiting Forces Act 1952 applies, all those States which have accepted the invitation of NATO to take part in the Partnership for Peace and which are parties to the agreement of 19th June 1995.

In relation to Ireland, this Order also partially implements the obligations imposed on the United Kingdom by the European Union Status of Forces Agreement (also known as the EU SOFA) dated 17th November 2003, made between the Member States of the European Union. The EU SOFA establishes the status of certain military and civilian personnel of the EU Member States. EU Member States other than Ireland have already had the provisions of the Visiting Forces Act 1952 applied to them by designation Orders made under section 1(2) of that Act, the details of which are set out in the following paragraph.

The Visiting Forces (Designation) Order 1954 (S.I. 1954/634) designated Belgium, France and the Netherlands. The Visiting Forces (Designation) Order 1956 (S.I. 1956/2041) designated Denmark, Greece, Italy, Luxembourg and Portugal. The Visiting Forces (Designation) Order 1961 (S.I. 1961/1511) designated Germany. The Visiting Forces (Designation) Order 1989 (S.I. 1989/1329) designated Spain. The Visiting Forces (Designation) Order 1997 (S.I. 1997/1779) designated Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Sweden. The Visiting Forces (Designation) Order 1998 (S.I. 1998/1268) designated Armenia, Austria, Azerbaijan, Belarus, Finland, Georgia, Kazakhstan, Kyrgyzstan, Macedonia, Moldova, Russia, Switzerland, Turkmenistan, Ukraine and Uzbekistan. Additionally the Republic of Cyprus and Malta were designated under section 1(1) of the Visiting Forces Act 1952.

This Order also implements defence co-operation arrangements that the United Kingdom has concluded with Jordan in a memorandum of understanding signed on 8th January 2008.