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STATUTORY INSTRUMENTS

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**1999 No. 1736**

**DEFENCE**

**The Visiting Forces and International  
Headquarters (Application of Law) Order 1999**

*Made* - - - - 22nd June 1999

*Coming into force* - - 23rd June 1999

At the Court at Windsor Castle, the 22nd day of June 1999

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament;

Now, therefore, Her Majesty, in pursuance of section 8 of the Visiting Forces Act 1952<sup>(1)</sup> and paragraph 7 of the Schedule to the International Headquarters and Defence Organisations Act 1964<sup>(2)</sup> is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation and commencement**

1. This Order may be cited as the Visiting Forces and International Headquarters (Application of Law) Order 1999 and shall come into force on the day after the date on which it is made.

**Interpretation**

2. In this Order—

“military member of a headquarters” shall be construed in accordance with paragraph 1 of the Schedule to the International Headquarters and Defence Organisations Act 1964; and

“service court” means a service court of a country in respect of which section 8 of the Visiting Forces Act 1952 has effect.

**Visiting forces and headquarters to which the Order applies**

3.—(1) This Order applies to a visiting force of—

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(1) 1952 c. 67.

(2) 1964 c. 5.

- (a) any country specified in Part I of Schedule 1, or
  - (b) any country specified in Part II of that Schedule, where that country has been designated by Order in Council under section 1(2) of the Visiting Forces Act 1952 for the purposes of giving effect to section 8 of that Act with respect to that country.
- (2) This Order applies to the headquarters specified in Schedule 2.

### **Provision of supplies**

4.—(1) For the purposes of the Supply Powers Act 1975(3) (which enables the Secretary of State to acquire, produce, dispose etc. of articles required for the public service and to exercise certain other powers in relation to such articles), any reference to articles required for the public service shall, subject to paragraph (2), include a reference to articles required for the purposes of a visiting force or headquarters; and the expression “works required for the public service” shall be construed accordingly.

(2) Paragraph (1) shall only enable the Secretary of State to exercise his powers under the Supply Powers Act 1975 in relation to articles required for the purposes of a visiting force or headquarters to the extent that those powers would be exercisable if the visiting force or headquarters were a part of any of the home forces.

### **Exercise of powers by the Secretary of State in relation to land**

5.—(1) Any power in relation to land or other premises conferred upon the Secretary of State by the Defence Acts, the Military Lands Acts 1892 to 1903(4), or sections 36 to 39 of the Requisitioned Land and War Works Act 1945(5) (which relate to the acquisition of easements or other rights restrictive of the user of any land), may be exercised for the purposes of a visiting force or headquarters to the extent that those powers would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(2) For the purposes of the exercise of the powers conferred by paragraph (1), the enactments specified in that paragraph shall have effect subject to the modifications set out in Schedule 3.

(3) The powers conferred on the Secretary of State by the Land Powers (Defence) Act 1958(6) may be exercised for the purposes of a headquarters to the extent that those powers would be exercisable if the headquarters were a part of any of the home forces; and accordingly in that Act any reference to defence purposes shall include a reference to any purpose of a headquarters.

(4) In this Article the “Defence Acts” means the Defence Acts 1842 to 1873, the Ordnance Board Transfer Act 1855(7), section 7 of the Lands Clauses Consolidation Acts Amendment Act 1860(8), the Defence Act Amendment Act 1864(9), and section 7 of the Militia (Lands and Buildings) Act 1873(10).

### **Use of intellectual property rights**

6. Schedule 4 shall have effect with respect to the use for the purposes of a visiting force or headquarters of intellectual property rights.

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(3) 1975 c. 9.  
(4) 1892 c. 43, 1897 c. 6, 1900 c. 56 and 1903 c. 47.  
(5) 1945 c. 43.  
(6) 1958 c. 30.  
(7) 1855 c. 117.  
(8) 1860 c. 106.  
(9) 1864 c. 89.  
(10) 1873 c. 68.

## **Wireless telegraphy, postal service and telecommunication systems**

7.—(1) The establishment or use of a station for wireless telegraphy, and the installation or use of any apparatus for wireless telegraphy, by—

- (a) a member of a visiting force or any person working in support of such a force, or
- (b) a member of a headquarters,

if done in the course of his duties as such, shall be exempt from the operation of Part I of the Wireless Telegraphy Act 1949(11) (which provides for the licensing etc. of wireless telegraphy).

(2) Section 10 of the Wireless Telegraphy Act 1949 (which is concerned with regulating the radiation of electro-magnetic energy from apparatus), and any regulations made thereunder, shall not apply to the use of any apparatus by a member of a visiting force or headquarters, if done in the course of his duties as such.

(3) Section 66 of the British Telecommunications Act 1981(12) (which confers on the Post Office the exclusive privilege of conveying etc. letters in the United Kingdom) shall not have effect to prohibit a visiting force or headquarters from conveying letters from one place to another in the United Kingdom, or from performing the incidental services of receiving, collecting and delivering letters in the United Kingdom.

(4) The running of a telecommunications system by a visiting force or headquarters for service purposes shall be exempt from the operation of Part II of the Telecommunications Act 1984(13) (which provides for the licensing etc. of telecommunications systems).

(5) The provisions of this article shall only have effect in relation to a visiting force or headquarters, or a member of such a force or headquarters, or a person working in support of such a force, to the extent provided by an agreement for the time being in force made by or on behalf of Her Majesty's Government in the United Kingdom with (as the case may be)—

- (a) the Government or the service authorities of the country to which the visiting force belongs, or
- (b) the headquarters.

(6) Where a provision of this article has effect by virtue of such an agreement, it shall be subject to such conditions and restrictions as may be specified in the agreement.

(7) In this article, “service purposes” means naval, military or air force purposes.

## **Road vehicles**

8.—(1) Subject to paragraphs (6) and (7)—

- (a) Part VI of the Transport Act 1968(14) (which is concerned with the regulation of drivers' hours), and
- (b) the provisions of the Road Traffic Regulation Act 1984(15) (“the 1984 Act”) and the Road Traffic Act 1988(16) (“the 1988 Act”) specified in paragraph (2),

shall not apply to a person or vehicle in the service of a visiting force or headquarters.

(2) The provisions referred to in paragraph (1)(b) are—

- (a) sections 6 to 8, 19, 20, 102 and 103 of the 1984 Act; and
- (b) sections 68 to 74, 123 to 162, 165, 170(5) to (7) and 171 of the 1988 Act.

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(11) 1949 c. 54.

(12) 1981 c. 38.

(13) 1984 c. 12.

(14) 1968 c. 73.

(15) 1984 c. 27.

(16) 1988 c. 52.

(3) Section 130(3) of the 1984 Act (which enables the Secretary of State to vary in relation to certain vehicles provisions imposing speed limits) shall have effect in relation to vehicles used for the purposes of a visiting force or headquarters, while being driven by a person subject to the orders of a member of such a force or headquarters, as it has effect in relation to vehicles used for naval, military or air force purposes, while being driven as mentioned in that subsection.

(4) Neither section 97(3) nor section 98(3) of the 1988 Act, in so far as they prevent such a licence as is there mentioned from authorising a person to drive certain motor cycles, shall apply in the case of motor cycles in the service of a visiting force.

(5) Subject to any regulations made under section 101(2) of the 1988 Act, that section (in so far as it prohibits persons under 21 from holding or obtaining a licence to drive motor vehicles or persons under 18 from holding or obtaining a licence to drive medium-sized goods vehicles) shall not apply in the case of vehicles in the service of a visiting force.

(6) Section 165 of the 1988 Act, in so far as it provides for the production of test certificates and the giving of names and addresses, shall apply to a person in connection with a vehicle to which section 47 of the 1988 Act applies notwithstanding that he or the driver is or was at any material time a person in the service of a visiting force or headquarters.

(7) Section 165(1) of the 1988 Act, in so far as it provides for the production of any certificate mentioned in subsection (2)(c) of that section, shall apply to a person in connection with a goods vehicle so mentioned notwithstanding that he or the driver is or was at any material time a person in the service of a visiting force or headquarters.

(8) No vehicle excise duty shall be charged under the Vehicle Excise and Registration Act 1994<sup>(17)</sup> in respect of any vehicle in the service of a visiting force.

(9) In this article and in article 9—

- (a) any reference to a person in the service of a visiting force or headquarters is a reference to—
  - (i) a member of a visiting force or headquarters, or
  - (ii) a person employed in the service of such a force, when acting in the course of his duties as such; and
- (b) any reference to a vehicle in the service of a visiting force or headquarters is a reference to a vehicle (including a motorcycle)—
  - (i) which belongs to a visiting force or headquarters and is used for the purposes of that force or headquarters, or
  - (ii) which is used for the purposes of a visiting force or headquarters, while being driven by a person for the time being subject to the orders of a member of a visiting force or headquarters.

### **Road vehicles (Northern Ireland)**

**9.**—(1) The following provisions shall not apply to a person or vehicle in the service of a visiting force or headquarters—

- (a) articles 56 and 58(2) and Part VIII of the Road Traffic (Northern Ireland) Order 1981<sup>(18)</sup>, and
- (b) articles 76 to 82 of the Road Traffic (Northern Ireland) Order 1995<sup>(19)</sup>.

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<sup>(17)</sup> 1994 c. 22.

<sup>(18)</sup> S.I. 1981/154 (N.I. 1).

<sup>(19)</sup> S.I. 1995/2994 (N.I. 18).

(2) In Article 214(1) of the Road Traffic (Northern Ireland) Order 1981 (which gives the Department of the Environment power to make regulations to exempt from the provisions of that Order vehicles owned or used for the purposes of any service of the Crown and persons driving such vehicles) the reference to vehicles owned or used for the purposes of any service of the Crown and persons driving such vehicles shall include a reference to vehicles or persons in the service of a visiting force or headquarters.

### **Exemption from harbour dues**

**10.**—(1) For the purposes of any special Act within the meaning of the Harbours, Docks and Piers Clauses Act 1847<sup>(20)</sup> (“the 1847 Act”), section 28 of the 1847 Act (which exempts vessels in Her Majesty’s service etc. from the payment of rates or duties) shall have effect as if—

- (a) members of a visiting force or headquarters,
- (b) persons employed in the service of such a force, and
- (c) vessels, aircraft, stores and goods used for the purposes of such a force or headquarters,

were entitled to the same exemptions and immunities and privileges as such members, persons or property would enjoy under that section if the visiting force or headquarters were a part of any of the home forces.

(2) Where in relation to any harbour, dock or pier there is an agreement in force made on behalf of Her Majesty under which sums are payable on account of rates and duties to which section 28 of the 1847 Act applies, a visiting force or headquarters shall be liable to pay an amount equal to the amount that would be payable under that agreement if the force or headquarters were a part of any of the home forces.

(3) Any sums payable under paragraph (2) shall be payable to the person to whom the sums would be payable under the agreement referred to in that paragraph.

### **Town and country planning**

**11.**—(1) The Town and Country Planning Act 1990<sup>(21)</sup>, the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(22)</sup> and the Planning (Hazardous Substances) Act 1990<sup>(23)</sup> (referred to collectively below as “the Planning Acts”) shall apply to land—

- (a) in which an interest is held by or on behalf of a visiting force or headquarters, and
- (b) which is used for the purposes of that force or headquarters,

to the extent that it applies to Crown land within the meaning of respectively section 293(1) of the Town and Country Planning Act 1990, section 83(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and section 31(3) of the Planning (Hazardous Substances) Act 1990.

(2) In their application to land such as is mentioned in paragraph (1), the Planning Acts shall have effect as if in those Acts—

- (a) any reference to Crown land included a reference to such land;
- (b) any reference to the Crown included a reference to the visiting force or headquarters; and
- (c) any reference to the appropriate authority was a reference to the Ministry of Defence.

(3) Paragraphs (1) and (2) shall apply to Scotland with the substitution—

- (a) for references to the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Planning (Hazardous Substances) Act 1990

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<sup>(20)</sup> 1847 c. 27.  
<sup>(21)</sup> 1990 c. 8.  
<sup>(22)</sup> 1990 c. 9.  
<sup>(23)</sup> 1990 c. 10.

of references respectively to the Town and Country Planning (Scotland) Act 1997<sup>(24)</sup>, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997<sup>(25)</sup> and the Planning (Hazardous Substances) (Scotland) Act 1997<sup>(26)</sup>; and

- (b) in paragraph (1), for the words from “Crown land” to the end of the paragraph of the words—

“Crown land within the meaning of respectively section 242(1) of the Town and Country Planning (Scotland) Act 1997, section 74(6) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and section 31(3) of the Planning (Hazardous Substances) (Scotland) Act 1997.”

- (4) Paragraphs (1) and (2) shall apply to Northern Ireland with—

- (a) the omission of references to the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Planning (Hazardous Substances) Act 1990; and

- (b) the substitution—

- (i) for the reference to the Town and Country Planning Act 1990 of a reference to the Planning (Northern Ireland) Order 1991<sup>(27)</sup>; and

- (ii) in paragraph (1), for the reference to section 293(1) of that Act of a reference to section 118(1) of that Order.

### **Miscellaneous exemptions, immunities and privileges**

**12.**—(1) A visiting force or headquarters, members of such a force or headquarters, persons employed in the service of such a force, and property used for the purposes of such a force or headquarters shall be exempt from the operation of the enactments specified in Schedule 5 to the extent that, by virtue of the rule of law whereby enactments do not bind the Crown, such a force or headquarters, such members, such persons, or such property, would be so exempt if the force or headquarters were a part of any of the home forces.

(2) The enactments specified in the left hand column of Schedule 6 shall have effect subject to the modifications set out in the right hand column of that Schedule (being modifications which have the effect of conferring on a visiting force or headquarters, members of such a force or headquarters, persons employed in the service of such a force, or property used for the purposes of such a force or headquarters, the same exemptions, privileges and immunities which they would enjoy under those enactments if the force or headquarters formed a part of any of the home forces).

### **Application of Factories Acts**

**13.**—(1) For the purposes of the Factories Act 1961<sup>(28)</sup> (“the 1961 Act”) and the Factories Act (Northern Ireland) 1965<sup>(29)</sup> (“the 1965 Act”)—

- (a) any premises in the occupation of a visiting force or headquarters shall not be deemed not to be a factory, and

- (b) any building operations or works of engineering construction undertaken by or on behalf of a visiting force or headquarters shall not be excluded from the operation of those Acts,

by reason only that the work carried on there is not carried on by way of trade or for the purposes of gain.

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(24) 1997 c. 8.

(25) 1997 c. 9.

(26) 1997 c. 10.

(27) S.I. 1991/1220 (N.I. 11).

(28) 1961 c. 34.

(29) 1965 c. 20 (N.I.).

(2) The power under section 173(1) of the 1961 Act, or under section 173(1) of the 1965 Act, to exempt by order certain factories, building operations or works of engineering construction shall apply to—

- (a) a factory belonging to, and in the occupation of, a visiting force as it applies to a factory belonging to the Crown; and
- (b) any building operations or works of engineering construction undertaken by or on behalf of a visiting force or headquarters as it applies to any such operations or works where undertaken by or on behalf of the Crown.

#### **Notification of diseases**

14. Any reference—

- (a) in section 11 of the Public Health (Control of Disease) Act 1984<sup>(30)</sup> (which requires cases of notifiable diseases and food poisoning to be reported) to a registered medical practitioner, or
- (b) in section 2 of the Public Health Act (Northern Ireland) 1967<sup>(31)</sup> (which specifies the duties of a medical practitioner on diagnosis of notifiable diseases) to a medical practitioner,

shall include a reference to a person who holds an appointment as a medical officer in the service of a visiting force or headquarters.

#### **Application of Clean Air legislation**

15. The Clean Air Act 1993<sup>(32)</sup> (except Parts IV and V) and the Clean Air (Northern Ireland) Order 1981<sup>(33)</sup> shall have effect in relation to premises occupied for the purposes of a headquarters as if the premises were occupied for the public service of the Crown and were under the control of the government department by arrangement with whom the premises are occupied.

#### **Attendance of witnesses before service courts**

16. Schedule 7 shall have effect with respect to the attendance of witnesses before service courts, and with respect to the privileges and immunities of such witnesses and courts.

#### **Temporary detention of persons sentenced by service courts**

17. Schedule 8 shall have effect with respect to the temporary detention in the United Kingdom of persons sentenced by service courts.

#### **Punishment for inducing or assisting desertion**

18. Section 192 of the Army Act 1955<sup>(34)</sup> (punishment for procuring and assisting desertion or absence without leave) shall have effect as if any reference to a member of any of Her Majesty's regular military forces included a reference to a member of a visiting force or a military member of a headquarters.

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<sup>(30)</sup> 1984 c. 22; section 11 was amended by paragraph 108(1) and (3) of Schedule 1 to the Health Authorities Act 1995 (c. 17).

<sup>(31)</sup> 1967 c. 36 (N.I.).

<sup>(32)</sup> 1993 c. 11.

<sup>(33)</sup> 1981/158 (N.I. 4).

<sup>(34)</sup> 1955 c. 18.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **Revocations**

**19.** The instruments specified in column 1 of Schedule 9 are hereby revoked to the extent specified in column 3 of that Schedule.

*A. K. Galloway*  
Clerk of the Privy Council



SCHEDULE 1

Article 3(1)

Part I

COUNTRIES SPECIFIED IN SECTION 1(1)  
(a) OF THE VISITING FORCES ACT 1952

Antigua and Barbuda.  
Australia.  
The Bahamas.  
Bangladesh.  
Barbados.  
Belize.  
Botswana.  
Brunei.  
Canada.  
The Republic of Cyprus.  
Dominica.  
Fiji.  
The Gambia.  
Ghana.  
Grenada.  
Guyana.  
India.  
Jamaica.  
Kenya.  
Kiribati.  
Lesotho.  
Malawi.  
Malaysia.  
Maldives.  
Malta.  
Mauritius.  
Namibia.  
Nauru.  
New Zealand.  
Nigeria.  
Pakistan.  
Papua New Guinea.  
Saint Christopher and Nevis.  
Saint Lucia.

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Saint Vincent and the Grenadines.  
Samoa.  
Seychelles.  
Sierra Leone.  
Singapore.  
Solomon Islands.  
South Africa.  
Sri Lanka.  
Swaziland.  
Tanzania.  
Tonga.  
Trinidad and Tobago.  
Tuvalu.  
Uganda.  
Vanuatu.  
Zambia.  
Zimbabwe.

## Part II

### COUNTRIES DESIGNATED UNDER SECTION 1(2) OF THE VISITING FORCES ACT 1952

Albania.  
Armenia.  
Austria.  
Azerbaijan.  
Belarus.  
Belgium.  
Bulgaria.  
The Czech Republic.  
Denmark.  
Estonia.  
Finland.  
France.  
Georgia.  
Germany.  
Greece.  
Hungary.  
Italy.  
Latvia.

Lithuania.  
Luxembourg.  
Kazakhstan.  
Kyrgyzstan.  
The Former Yugoslav Republic of Macedonia.  
Moldova.  
The Netherlands.  
Norway.  
Poland.  
Portugal.  
Romania.  
Russia.  
Slovakia.  
Slovenia.  
Spain.  
Sweden.  
Switzerland.  
Turkey.  
Turkmenistan.  
Ukraine.  
United States of America.  
Uzbekistan.

## SCHEDULE 2

Article 3(2)

### HEADQUARTERS TO WHICH THE ORDER APPLIES

The Headquarters of the Supreme Allied Commander Atlantic (SACLANT)  
The Supreme Headquarters Allied Powers Europe (SHAPE)  
Headquarters Allied Forces North Western Europe (AFNORTHWEST).  
Headquarters Allied Air Forces North Western Europe (AIRNORTHWEST).  
Headquarters Allied Naval Forces North Western Europe (NAVNORTHWEST).  
Headquarters Maritime Air Forces North West (MARAIRNORTHWEST).  
Headquarters Submarine Forces North West (SUBNORTHWEST).  
Headquarters Allied Forces Eastern Atlantic Area (EASTLANT).  
Headquarters Maritime Air Forces Eastern Atlantic Area (MARAIREASTLANT).  
Headquarters Submarine Forces Eastern Atlantic Area (SUBEASTLANT).  
Headquarters United Kingdom—Netherlands Amphibious Force (UKNLAF).  
Headquarters United Kingdom—Netherlands Landing Force (UKNLLF).  
The NATO Airborne Early Warning Force Headquarters and the NATO E-3A Component.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE 3

Article 5

## ENACTMENTS RELATING TO LAND

Defence Act 1842 (c. 94)	The Act shall have effect as if— <ul style="list-style-type: none"> <li>(a) (a) any reference (however so expressed) to land for the use or service of the ordnance or barrack departments included a reference to land used or to be used for the purposes of a visiting force or headquarters; and</li> <li>(b) (b) the expression “the public service” included in its meaning the purposes of a visiting force or headquarters.</li> </ul>
Section 7 of the Lands Clauses Consolidation Acts Amendment Act 1860 (c. 106)(35)	The reference to any of Her Majesty’s naval, military or air forces shall include a reference to a visiting force or headquarters.
The Military Lands Act 1892 (c. 43)	The Act shall have effect as if the expression “military purposes” (wherever it appears other than in relation to the acquisition of land by or on behalf of the Territorial Army or to land so acquired) included the purposes of a visiting force or headquarters.  In section 1(1), the reference to the military purposes of any portion of Her Majesty’s military forces shall include a reference to the purposes of a visiting force or headquarters.
The Military Lands Act 1900 (c. 56)	In section 2, the expressions “the military purpose” and “military purposes” shall include references to the purposes of a visiting force or headquarters.

## SCHEDULE 4

Article 6

## USE OF INTELLECTUAL PROPERTY RIGHTS

*Use of registered designs*

1.—(1) Subject to sub-paragraph (2), the power conferred by paragraph 1(1) of Schedule 1 to the Registered Designs Act 1949(36) on a government department, or person authorised in writing by a government department, in relation to the use of registered designs for the services of the Crown shall be exercisable for the purposes of a visiting force or headquarters to the extent that it would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(35) Section 7 is subject, in its application to the Secretary of State for Defence, to modifications made by S.I. 1964/488.

(36) 1949 c. 88.

(2) Sub-paragraph (1) shall not have effect to authorise the doing in relation to a registered design of anything falling within paragraph 1(6) of Schedule 1 to the Registered Designs Act 1949.

(3) In relation to the exercise of the powers conferred by sub-paragraph (1), paragraphs 1(2) to (5) and (7) and 2 to 3 of Schedule 1 to the Registered Designs Act 1949 shall have effect with any reference in those provisions to Crown use of a registered design being construed as a reference to the use of such a design for the purposes of a visiting force or headquarters.

#### *Use of patented inventions*

**2.—**(1) Subject to sub-paragraph (2), the power conferred by section 55(1) of the Patents Act 1977<sup>(37)</sup> on a government department, or person authorised in writing by a government department, in relation to the use of patented inventions for the services of the Crown shall be exercisable for the purposes of a visiting force or headquarters to the extent that it would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(2) Sub-paragraph (1) shall not have effect to authorise—

- (a) the doing of any act falling within section 55(1)(a)(ii) or (c) of the Patents Act 1977, or
- (b) the doing of anything which is for a purpose relating to the production or use of atomic energy or research into matters connected therewith.

(3) In relation to the exercise of the powers conferred by sub-paragraph (1), sections 55 to 58 of the Patents Act 1977 (apart from section 56(2) to (4)) shall have effect with any reference in those provisions to the use of a patented invention for the services of the Crown being construed as a reference to the use of such an invention for the purposes of a visiting force or headquarters.

#### *Use of articles without the licence of the design rights owner*

**3.—**(1) Subject to sub-paragraph (2), the power conferred by section 240(1) of the Copyright, Designs and Patents Act 1988<sup>(38)</sup> on a government department, or person authorised in writing by a government department, in relation to the use of articles without the licence of the design rights owner for the services of the Crown shall be exercisable for the purposes of a visiting force or headquarters to the extent that it would be exercisable if the visiting force or headquarters were a part of any of the home forces.

(2) Sub-paragraph (1) shall not have effect to authorise the doing of anything in relation to a design right which is for foreign defence purposes or health service purposes within the meaning of section 240(3) and (4) of the Copyright, Designs and Patents Act 1988.

(3) In relation to the exercise of the powers conferred by sub-paragraph (1), section 240(5) to (7) and sections 241 to 243 shall have effect with any reference in those provisions to Crown use of a design right being construed as a reference to the use of a design right for the purposes of a visiting force or headquarters.

## SCHEDULE 5

Article 12(1)

### ENACTMENTS EXTENDING GENERAL CROWN PRIVILEGE TO VISITING FORCES etc.

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

The Public Health Acts 1875 to 1925.

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<sup>(37)</sup> 1977 c. 37.

<sup>(38)</sup> 1988 c. 48.

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The Celluloid and Cinematograph Film Act 1922 (c. 35).  
The Petroleum (Regulation) Acts 1928 and 1936(39).  
The Public Health Act 1936 (c. 49).  
The Import, Export and Customs Powers (Defence) Act 1939 (c. 69).  
Section 95 of the Agriculture Act 1947 (c. 48).  
Section 6(1) of the Geneva Conventions Act 1957 (c. 52).  
The Weeds Act 1959 (c. 54).  
The Public Health Act 1961 (c. 64).  
The Trade Descriptions Act 1968 (c. 29).  
The Medicines Act 1968 (c. 67).  
The Firearms Acts 1968 to 1997 (save that no exemption from those Acts shall be conferred by this Order on any person other than a member of a visiting force or a military member of a headquarters).  
The Misuse of Drugs Act 1971 (c. 38).  
The Road Traffic (Foreign Vehicles) Act 1972 (c. 27).  
The Poisons Act 1972 (c. 66).  
Sections 21 to 25 and 33 to 42 of the Health and Safety at Work etc. Act 1974 (c. 37).  
The International Carriage of Perishable Foodstuffs Act 1976 (c. 58).  
The Public Passenger Vehicles Act 1981 (c. 14).  
Section 115 of the Mental Health Act 1983 (c. 20).  
The Building Act 1984 (c. 55).  
The Weights and Measures Act 1985 (c. 72).  
Section 1 of, and Schedules 1 and 2 to, the Sunday Trading Act 1994 (c. 20).

*Enactments applying only in Scotland*

The Public Health (Scotland) Acts 1897 to 1945.  
Section 35 of the Agriculture (Scotland) Act 1948 (c. 45).  
The Building (Scotland) Act 1959 (c. 24).

*Enactments applying only in Northern Ireland*

The Public Health Acts (Northern Ireland) 1872 to 1962.  
Part II of the Agriculture Act (Northern Ireland) 1949 (c. 2 (N.I.)).  
Articles 23 to 27 and 31 to 39 of the Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9)).  
The Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2)) (save that no exemption shall be conferred by this Order on any person other than a member of a visiting force or a military member of a headquarters).  
Articles 3 to 6, 8 and 9 of the Shops (Sunday Trading &c.) (Northern Ireland) Order 1997 (S.I. 1997/2779 (N.I. 20)).

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(39) 1928 c. 32 and 1936 c. 27.

SCHEDULE 6

Article 12(2)

ENACTMENTS CONFERRING SPECIFIC EXEMPTIONS, PRIVILEGES etc.

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

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The Gun Barrel Proof Act 1868 (1868 c.xiii)	Section 119 shall have effect as if it exempted from the operation of the Act a military barrel which is used for the purposes of a visiting force or headquarters.
The Explosives Act 1875 (c. 17)	In section 97— <ul style="list-style-type: none"><li>(a) (a) any reference to a factory, magazine, store, premises, wharf, place or explosive held for the service of the Crown shall include a reference to a factory, magazine, store, premises, wharf, place or explosive held for the purposes of a visiting force or headquarters; and</li><li>(b) (b) in paragraph (2), the reference to Her Majesty's ships, aircraft, boats and carriages shall include a reference to ships, aircraft, boats and carriages belonging to and used for the purposes of a visiting force or headquarters.</li></ul>
The Law of Property Act 1925 (c. 20)	In section 84(11)(a), the reference to naval, military or air force purposes shall include a reference to the purposes of a visiting force or 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 headquarters.
The Marriage Act 1949 (c. 76)	In section 68(2), the reference to a person serving in any of the regular armed forces of the Crown shall include a reference to a member of a visiting force or a military member of a headquarters.
The Fireworks Act 1951 (c. 58)	In section 5(3), the reference to the Crown shall include a reference to a visiting force or headquarters.
The Landlord and Tenant Act 1954 (c. 56)	In section 56— <ul style="list-style-type: none"><li>(a) (a) any reference to a tenancy held by or on behalf of a Government department shall include a reference to a tenancy held by or on behalf of a visiting force or headquarters; and</li></ul>

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- (b) (b) any reference to premises occupied for the purposes of a Government department shall include premises occupied for the purposes of a visiting force or headquarters.

In sections 57 and 58 of the 1954 Act, any reference to an interest in the property comprised in a tenancy held for the purposes of a Government department shall include a reference to such an interest where held for the purposes of a visiting force or headquarters; and the reference in section 57(1) to “the first-mentioned department” shall be construed accordingly.

The Army Act 1955 (c. 18)

In section 184—

- (a) (a) any reference to members of the regular forces shall include a reference to members of a visiting force or military members of a headquarters; and
- (b) (b) any reference to vehicles in military service, or horses or other animals in military service, shall include a reference to vehicles, or (as the case may be) horses or other animals, used for the purposes of a visiting force or headquarters.

The Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955 (c. 20)

Paragraph 1 of Schedule 3 shall have effect as if it exempted from the operation of any enactment to which that paragraph applies the use of—

- (a) (a) any building at a camp, station or naval establishment used for the purposes of a visiting force or headquarters, or
- (b) (b) any ship in the service of such a force or headquarters,

for entertainments or amusements where held under the direction and control of an officer or committee having official responsibility for such matters.

Offices, Shops and Railway Premises Act 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 of that headquarters or organisation in respect of anything done or omitted by him in the course of his duty”(40).
- The Licensing Act 1964 (c. 26)
- In section 201(1)—
- (a) (a) in the definition of “canteen”, the reference to the Secretary of State shall include a reference to a visiting force or headquarters; and
  - (b) (b) 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 military members of a headquarters.
- The Firearms Act 1968 (c. 27)
- In section 54(1) and (2)—
- (a) (a) any reference to a person in the service of Her Majesty (including any reference to a person in the naval, military or air service of Her Majesty) shall include a reference to a member of a visiting force or a military member of a headquarters; and
  - (b) (b) in subsection (2)(a), the reference to the public service shall include a reference to the service of a visiting force or headquarters.
- The Food and Environment Protection Act 1985 (c. 48)
- In section 20, references to land which is exclusively in Crown occupation shall include land—
- (a) (a) which is exclusively occupied for the purposes of a visiting force or headquarters; or
  - (b) (b) which is occupied for the purposes of a visiting force to the extent that it is not in Crown occupation (within the meaning of section 20).
- The Weights and Measures Act 1985 (c. 72)
- In section 24(2)(a), the reference to Her Majesty’s forces shall include a reference to a headquarters.

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(40) This amendment was originally made by Article 12(2) of, and Schedule 3 to, the Visiting Forces and International Headquarters (Application of Law) Order 1965.

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The Agricultural Holdings Act 1986 (c. 5)	In paragraph 4(1)(a) of Schedule 12, the reference to naval, military or air force purposes shall include a reference to the purposes of a visiting force or headquarters.
The Food Safety Act 1990 (c. 16)	In section 54— <ul style="list-style-type: none"><li>(a) (a) in subsection (2), the reference to the Crown shall include a reference to a visiting force or headquarters; and</li><li>(b) (b) in subsection (4), the reference to Crown premises shall include a reference to premises used for the purposes of a visiting force or headquarters.</li></ul>

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*Enactments applying only in Scotland*

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The Public Health (Scotland) Act 1897 (c. 38)	In section 73(4) the reference to any tent, van, shed or structure, erected or used by any portion of Her Majesty's naval or military forces shall include a reference to any tent, van, shed or structure, erected or used by a visiting force or 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 of that force or headquarters.
The Licensing (Scotland) Act 1976 (c. 66)	In sections 54(3)(j) and 87(3)— <ul style="list-style-type: none"><li>(a) (a) the reference to any canteen in which the sale of intoxicating liquor is carried on under the authority of the Secretary of State shall include a reference to a canteen in which the sale of intoxicating liquor is carried on under the authority of a visiting force or headquarters; and</li><li>(b) (b) the reference to an authorised mess of members of Her Majesty's naval, military or air forces shall include a reference to an authorised mess of members of a visiting force or of the military members of a headquarters.</li></ul>

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*Enactments applying only in Northern Ireland*

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<a href="#">The Housing of the Working Classes Act 1885 (c. 72)</a>	In section 9(7), the reference to any tent, van, shed or structure erected or used by any portion of Her Majesty's military forces shall include a reference to any tent, van, shed or structure erected or used by a visiting force or headquarters.
<a href="#">The Public Health (Ireland) Act 1896 (c. 54)</a>	In section 32, the reference to buildings, offices and premises vested in or in occupation of Her Majesty shall include a reference to buildings, offices and premises used for the purposes of a visiting force or headquarters.
<a href="#">The Rates (Northern Ireland) Order 1977 (S.I. 1977/2157 (N.I. 28))</a>	In article 41(2)(a), the reference to any hereditament which is altogether of a public nature and is occupied and used for the purposes of the public service shall include a reference to a hereditament which is occupied and used for the purposes of a visiting force or headquarters in pursuance of arrangements made in that behalf with any government department.
<a href="#">The Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2))</a>	<p>In article 57—</p> <ul style="list-style-type: none"><li>(a) (a) in paragraph (1), the reference to a person in the service of the Crown;</li><li>(b) (b) in paragraph (2)(a), the reference to a person in the service of the Crown in right of Her Majesty's Government in the United Kingdom; and</li><li>(c) (c) in paragraph (2)(c), the reference to a person in the naval, military or air service of the Crown.</li></ul> <p>shall include a reference to a member of a visiting force or a military member of a headquarters.</p> <p>In article 57(2)(a), the reference to the public service shall include a reference to the service of a visiting force or headquarters.</p>
<a href="#">The Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I. 7))</a>	<p>In article 49—</p> <ul style="list-style-type: none"><li>(a) (a) in paragraph (2), the reference to the Crown shall include a reference to a visiting force or headquarters; and</li><li>(b) (b) in paragraph (4), the reference to Crown premises shall include</li></ul>

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a reference to premises used for the purposes of a visiting force or headquarters.

The Licensing (Northern Ireland) Order 1996    In article 84(b)—  
(S.I. 1996/3158 (N.I. 22))

- (a) (a) the reference to any canteen in which the sale of intoxicating liquor is carried on under the authority of the Secretary of State shall include a reference to a canteen in which the sale of intoxicating liquor is carried on under the authority of a visiting force or headquarters; and
- (b) (b) the reference to a mess of members of Her Majesty's naval, military or air forces shall include a reference to a mess of members of a visiting force or of the military members of a headquarters.

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## SCHEDULE 7

Article 16

### PROVISIONS RELATING TO SERVICE COURTS OF VISITING FORCES

1.—(1) This paragraph applies to any person who is not subject to—

- (a) the Naval Discipline Act 1957, military law or air-force law, or
- (b) the jurisdiction of the service courts and service authorities of a country in respect of which section 8 of the Visiting Forces Act 1952 has effect.

(2) For the purposes of this paragraph, a person is subject to the jurisdiction of the service courts and service authorities of a country if he falls within the description of such persons in section 2(2) of the Visiting Forces Act 1952.

2. This paragraph applies to any person who is subject to the Naval Discipline Act 1957, military law or air-force law.

3.—(1) Where any person to whom paragraph 1 or 2 applies is required to give evidence in any proceedings before a service court, an officer of any of the home forces may summons him by issuing a witness summons.

(2) An officer shall not issue a witness summons requiring the attendance of a person falling within paragraph 1 if he considers either—

- (a) that it is not reasonably practical to procure the person's attendance; or
- (b) that provision for the reasonable expenses of his attendance has not been, or will not be, made.

(3) Before issuing a witness summons, the officer shall afford the person to whom it relates an opportunity of making representations, including oral representations, with respect to whether or not the summons should be issued; and, where the person chooses to make oral representations, he may be represented at any hearing held for that purpose.

- (4) A witness summons issued under this paragraph shall state—
- (a) the proceedings in respect of which the summons is issued and the nature of the hearing at which the person’s attendance is required;
  - (b) the powers under which the summons is issued;
  - (c) the place at which, and the time and date on which, the person is to attend; and
  - (d) where the person will be required to produce any document or other thing, a description of that document or thing.
- (5) A witness summons issued under this paragraph shall be served on the witness—
- (a) by delivering it to him personally;
  - (b) by leaving it for him with a person at the witness’s usual place of abode;
  - (c) by post in a letter addressed to him at his last known or usual place of abode; or
  - (d) where paragraph 2 applies to the witness, through his commanding officer.

**4.—(1)** In relation to a person summoned to attend a service court by virtue of this Schedule, the relevant enactment shall (subject to sub-paragraph (2)) apply as if the service court were a court-martial and the proceedings were proceedings under the relevant Act; and any reference in that enactment to anything duly required or lawfully required, or to anything required or falling to be done under the relevant Act or any of its provisions, shall be construed accordingly.

(2) A person shall not be guilty of an offence under the relevant enactment by virtue of his refusing to answer any question or to produce any document, if he could not be required to answer such a question or produce such a document were the proceedings before such a court-martial.

- (3) In this paragraph “the relevant enactment” means—
- (a) in relation to a person to whom paragraph 1 applies, section 101 of the Army Act 1955 (which relates to offences by civilians in relation to courts-martial);
  - (b) in relation to a person to whom paragraph 2 applies by virtue of his being subject to the Naval Discipline Act 1957, section 36(1) of that Act (which relates to offences in relation to courts-martial by persons subject to that Act); and
  - (c) in relation to a person to whom paragraph 2 applies by virtue of his being subject to military or air-force law, section 57(1) of the Army Act 1955 or (as the case may be) of the Air Force Act 1955 (both of which relate to offences in relation to courts-martial by persons subject to military or, as the case may be, air-force law),

and “the relevant Act” means (as the case may be) the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955.

**5.—(1)** A witness before a service court shall be entitled to the same immunities and privileges as he would be if he were a witness in proceedings before a court-martial held in pursuance of the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955.

(2) Any enactment or rule of law with respect to privilege in proceedings for defamation shall apply in relation to a service court 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.

**6.** In this Schedule, “military law” and “air-force law” shall be construed in accordance with the Army Act 1955 and the Air Force Act 1955 respectively.

SCHEDULE 8

Article 17

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

1.—(1) Where a person has been sentenced to any form of custody by a service court, and is being removed from the United Kingdom to another country, he may in the circumstances specified in subparagraph (2) be detained for a period not exceeding seven days at such establishment in the United Kingdom as may be determined in accordance with the following provisions of this Schedule.

(2) The circumstances referred to in sub-paragraph (1) are that—

- (a) a written request has been made by the service authorities of the country to which the person belongs, and
- (b) his temporary detention in the United Kingdom has been authorised by the Secretary of State.

2. Where a person has been sentenced to any form of imprisonment, he may be detained 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.

3. Where, in the case of a person who is a member of a visiting force or a military member of a headquarters, he has been sentenced to any other form of custody, he may be detained 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.

4. The Defence Council may make arrangements with a visiting force as to the reception from, and return to, the force of persons to be detained under this Schedule.

5. The provisions of any enactment, or of any instrument having effect under an enactment, with respect to the treatment of persons detained in prisons or other establishments mentioned in the foregoing provisions of this Schedule (including any 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 under the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955, as the case may be, to imprisonment for the same term as the term of the sentence of the service court;
- (c) in relation to a person sentenced by a service court to any other form of custody and detained as aforesaid in any naval, military or air-force establishment, as if he were a person sentenced by a court-martial under the Naval Discipline Act 1957, the Army Act 1955 or the Air Force Act 1955, as the case may be, to detention for the same term as the term of the sentence of the service court.

6.—(1) The powers of arrest conferred by section 186(1) to (3) of the Army Act 1955 (“the 1955 Act”) shall in the United Kingdom be exercisable in relation to a member of a visiting force or a military member of a headquarters detained in pursuance of this Schedule, where that person is at large in circumstances in which those powers would be exercisable in relation to him if he were a member of the regular forces (within the meaning of section 225(1) of the 1955 Act).

(2) Where a member of a visiting force or a military member of a headquarters who has been detained in pursuance of this Schedule is at large in circumstances in which the powers of arrest under section 186 of that Act would be exercisable in relation to him if he were a member of the regular forces (within the meaning of section 225(1) of the 1955 Act), section 188 of the 1955 Act shall apply to him as it applies to a member of the regular forces who is illegally absent therefrom.

(3) Subject to sub-paragraph (4), sections 186(4), 187 and 190 shall apply to a person arrested in pursuance of sub-paragraph (1), and a person to whom section 188 of the 1955 Act applies by virtue of sub-paragraph (2).

(4) Sections 187 and 190 shall have effect in relation to a person to whom sub-paragraph (3) applies subject to the following modifications—

- (a) in section 187(1), the reference to a person alleged to be an officer, warrant officer, non-commissioned officer or soldier of the regular forces who is absent without leave shall include a reference to a person who is alleged to be a member of a visiting force or a military member of a headquarters detained in pursuance of this Schedule;
- (b) in sections 187(2) and 190(1), the words “from the regular forces” shall be omitted;
- (c) in section 187(3), for the words from “and if satisfied” to “absence without leave” there shall be substituted “and if satisfied that he is a person authorised to be detained in pursuance of Schedule 8 to the Visiting Forces and International Headquarters (Application of Law) Order 1999”;
- (d) there shall be substituted for section 187(4A)—
 

“(4A) For the purposes of any proceedings under this section, a certificate which states that a person is authorised to be detained in pursuance of Schedule 8 to the Visiting Forces and International Headquarters (Application of Law) Order 1999, and purports to be signed by an officer of any of Her Majesty’s forces, shall be evidence of the matters so stated.”;

 and
- (e) in sections 187 and 190, any reference to military custody shall include a reference to naval or air-force custody.

## SCHEDULE 9

Article 19

## REVOCATION OF INSTRUMENTS

(1) <i>Title of instrument</i>	(2) <i>Reference</i>	(3) <i>Extent of revocation</i>
The Visiting Forces and International Headquarters (Application of Law) Order 1965	<a href="#">S.I. 1965/1536</a>	The whole Order.
The Visiting Forces and International Headquarters (Application of Law) (Amendment) Order 1987	<a href="#">S.I. 1987/928</a>	The whole Order.
The Visiting Forces and International Headquarters (Application of Law) (Amendment) Order 1989	<a href="#">S.I. 1989/1330</a>	The whole Order.

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(1) <i>Title of instrument</i>	(2) <i>Reference</i>	(3) <i>Extent of revocation</i>
The Pressure Systems and Transportable Gas Containers Regulations 1989	<a href="#">S.I. 1989/2169</a>	In Part IV of Schedule 6, the entry relating to the Visiting Forces and International Headquarters (Application of Law) Order 1965.
The Visiting Forces and International Headquarters (Application of Law) (Amendment) Order 1994	<a href="#">S.I. 1994/1643</a>	The whole Order.
The Visiting Forces and International Headquarters (Application of Law) (Amendment) Order 1998	<a href="#">S.I. 1998/253</a>	The whole Order.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates with amendments the Visiting Forces and International Headquarters (Application of Law) Order 1965 as amended.

The visiting forces and international headquarters to which the Order applies are specified in *article 3* and *Schedules 1 and 2*.

*Article 4* extends the Secretary of State's powers under the Supply Powers Act 1975 to acquire, produce, store and dispose of articles needed for the public service to include articles needed for the purposes of a visiting force or headquarters. There is a corresponding extension of other powers conferred by the Act. This is subject to the limitation that the Secretary of State can only use such powers for visiting forces or headquarters to the extent that such powers could be used for the home forces.

*Article 5* and *Schedule 3* extend certain powers of government departments and the Secretary of State to acquire and use land and rights over land for the purposes of the home forces so that such powers may be exercised for the purposes of visiting forces and headquarters.

*Article 6* and *Schedule 4* extend the powers of government departments with respect to the use of intellectual property rights for the services of the Crown so that they may be exercised for the purposes of visiting forces and headquarters. This is subject to the limitation that such powers may only be used for the purposes of a visiting force or headquarters to the extent that they could be so used if the force or headquarters formed part of the home forces.

*Article 7* enables agreements to be made under which visiting forces and headquarters may operate wireless telegraphy and telecommunications systems without a licence. Agreements under *article 7* may also provide for visiting forces and headquarters to be exempt from the controls imposed under section 10 of the Wireless Telegraphy Act 1949 on interference caused by electro-magnetic radiation from apparatus; and for visiting forces and headquarters to be able to run their own postal system



notwithstanding the exclusive privilege conferred on the Post Office by section 66 of the British Telecommunications Act 1981.

*Article 8* extends to vehicles in the service of a visiting force or headquarters, and those driving such vehicles, certain of the exemptions from Road Traffic legislation in Great Britain which they would have enjoyed if the force or headquarters had been a part of the home forces. These include exemptions from the provisions regulating drivers' hours, from the provisions concerning the inspection of public passenger vehicles and goods vehicles, and from the provisions requiring compulsory insurance.

*Article 9* makes similar provision in relation to Northern Ireland.

*Article 10* confers on members of a visiting force or headquarters, persons employed in the service of such a force or headquarters, and property used for the purposes of a visiting force or headquarters, the same privileges, exemptions and immunities from the payment of rates or duties in respect of the use of any harbour, dock or pier as would be conferred on them by virtue of section 28 of the Harbours, Docks and Piers Clauses Act 1847 if the force or headquarters were a part of the home forces. This is subject to the proviso that, where an agreement is in force providing for the payment of sums on account of rates and duties, a visiting force or headquarters is to make equivalent payments.

*Article 11* provides for land which is owned and used by a visiting force or headquarters to be treated under Town and Country Planning legislation in the same way as Crown land.

*Article 12(1)* provides for visiting forces and headquarters to be exempt from the enactments listed in *Schedule 5* to the extent that they would be so exempt if they were a part of the home forces under the rule of law whereby, in the absence of an express provision or necessary implication, statutes do not bind the Crown.

*Article 12(2)* and *Schedule 6* modify the enactments listed in that Schedule so as to extend to visiting forces and headquarters the exemptions, privileges and immunities that they would enjoy under those enactments if the force or headquarters formed a part of the home forces.

*Article 13* provides for visiting forces and headquarters to be treated under the Factories Acts in the same way as the Crown.

*Article 14* extends to medical officers of a visiting force or headquarters the obligations of a registered medical practitioner under section 11 of the Public Health (Control of Disease) Act 1984 to report cases involving notifiable diseases and food poisoning to the local authority. Similar provision is made in relation to Northern Ireland by extending the reference to medical practitioner in section 2 of the Public Health Act (Northern Ireland) 1967.

*Article 15* provides for certain provisions of the Clean Air Act 1993 and the Clean Air (Northern Ireland) Order 1981 to apply to premises occupied for the purposes of a headquarters in the same way as they apply to premises in the public service of the Crown. Section 46(5) of the 1993 Act and Article 29(5) of the 1981 Order already make similar provision in relation to premises occupied for the purposes of a visiting force.

*Article 16* and *Schedule 7* make provision with respect to the attendance of witnesses before service courts, and with respect to the privileges and immunities of such witnesses and courts.

*Article 17* and *Schedule 8* provide for temporary detention in the United Kingdom of persons sentenced by service courts.

*Article 18* extends the application of section 192 of the Army Act 1955 so as to make it an offence for any person to procure or assist the desertion or absence without leave of a member of a visiting force or international headquarters.