



International Headquarters and Defence Organisations Act 1964

1964 CHAPTER 5

An Act to make provision as to certain international headquarters and defence organisations.

[27th February 1964]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Where in pursuance of any arrangements for common defence to which Her Majesty's Government in the United Kingdom are for the time being a party any international headquarters or defence organisation has been or is about to be set up, Her Majesty may by Order in Council designate the headquarters or organisation for the purposes of this Act and confer on it the legal capacity of a body corporate and, to such extent as may be specified in the Order,—

International headquarters and defence organisations.

(a) immunity from suit and legal process;

(b) the like privileges as respects the inviolability of official archives as are accorded to an envoy of a foreign sovereign power accredited to Her Majesty.

(2) Where any headquarters or organisation is designated by an Order in Council under this section the Visiting Forces Act 1952 shall have effect with the adaptations set out in the Schedule to this Act, being adaptations for extending certain provisions of that Act to the headquarters or organisation and certain persons connected with it.

(3) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

Extension
of Act to
colonies and
dependencies.

2.—(1) Her Majesty may by Order in Council direct that the provisions of this Act shall extend, subject to such adaptations, modifications or exceptions as may be specified in the Order, to any of the following territories, that is to say—

- (a) the Channel Islands and the Isle of Man;
- (b) any colony;
- (c) any protectorate or protected state within the meaning of the British Nationality Act 1948; and
- (d) any territory consisting of two or more such territories as are mentioned in paragraphs (b) and (c) of this subsection.

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

Short title.

3. This Act may be cited as the International Headquarters and Defence Organisations Act 1964.

SCHEDULE

ADAPTATIONS OF VISITING FORCES ACT 1952

Interpretation

1.—(1) In this Schedule—

- “civilian member of a headquarters” has the meaning assigned to it by paragraph 2 of this Schedule;
- “headquarters” means a headquarters or organisation designated by an Order in Council under section 1 of this Act;
- “member of a headquarters” means military member or civilian member of a headquarters;
- “military member of a headquarters” means a member of any country’s forces who is for the time being appointed to serve in the United Kingdom under the orders of a headquarters, except that it does not include a member of the home forces.

(2) Any reference in this Schedule to a section is a reference to that section of the Visiting Forces Act 1952, and any expression used in this Schedule and in that Act has the same meaning in this Schedule as in that Act, except that the expression “dependant” does not include any person who is a citizen of the United Kingdom and Colonies or is ordinarily resident in the United Kingdom.

(3) References in this Schedule to a member of a headquarters belonging to any country are references, in the case of a military member, to his being a member of that country’s forces and, in the case of a civilian member, to his being employed by that country’s forces.

2.—(1) In this Schedule “civilian member of a headquarters” means a person who for the time being holds such a passport as is mentioned in paragraph (a) of subsection (1) of section 10, being a passport containing—

- (a) an uncancelled entry made by or on behalf of an authority appointed for the purposes of this paragraph by any country outside the United Kingdom or by the headquarters stating that he is a civilian member of the headquarters; and
- (b) an uncancelled mark or indication made on behalf of the Secretary of State signifying that the entry has been noted and approved;

and whose recognition as a civilian member of the headquarters has not been withdrawn by a notice in writing given to the said authority by or on behalf of the Secretary of State.

(2) Subsections (3) and (4) of section 10 (which contain supplementary provisions as to the passports mentioned in that section) shall with the necessary modifications apply for the purposes of this paragraph.

Powers of service courts

3.—(1) Subject to sub-paragraph (2) of this paragraph, a military member of a headquarters who belongs to a country to which section 2 applies shall be included among the persons who are subject to

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the jurisdiction of the service courts and service authorities of that country in accordance with that section, and subsection (6) of that section shall apply in relation to him as it applies in relation to members of a visiting force.

(2) Sub-paragraph (1) of this paragraph does not apply to a military member of a headquarters who became (or last became) a member of the forces of the country to which he belongs while he was in the United Kingdom, unless it is shown that he did so with his consent.

Restriction of trial by United Kingdom courts

4.—(1) Section 3 shall apply in relation to a person charged with an offence who at the time the offence is alleged to have been committed was a member of a headquarters and belonged to a country to which that section applies as it applies to a person who at that time was a member of a visiting force of that country or was a member of a civilian component of such a force, according as the first-mentioned person was then a military or civilian member of the headquarters; and, as so applying, shall be further adapted as follows:—

- (a) the reference in paragraph (a) of subsection (1) to his duty as a member of that force or component shall be construed as a reference to his duty as a member of the headquarters;
- (b) the references in paragraphs (b) and (c) of that subsection to a person having a relevant association with a visiting force of that country shall be construed as including references to any person who at the said time was, or was a dependant of, a member of a headquarters belonging to that country;
- (c) the references in the said paragraph (c) to property of the sending country shall be construed as references to property of the country to which the person charged belonged, to property of the headquarters, to such property of any other country to which the section applies as was used or to be used for the purposes of the headquarters, and to such property of any other headquarters as was used or to be used for those purposes;
- (d) the references in subsection (2) and in paragraph (a) of subsection (3) to the sending country shall be construed as references to the country to which the person charged belonged.

(2) In relation to a person to whom section 3 applies apart from sub-paragraph (1) of this paragraph, that is to say, a person charged with an offence who at the time the offence is alleged to have been committed was a member of a visiting force of any country or a member of a civilian component of such a force, that section shall have effect subject to the adaptation that references in paragraphs (b) and (c) of subsection (1) to a person having a relevant association with a visiting force of the same country shall be construed as including references to any person who at the said time was, or was a dependant of, a member of a headquarters belonging to that country.

*Restriction on proceedings in respect of service as
member of headquarters*

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5. The references in section 6 to service as a member of a visiting force or as a member of a civilian component of such a force shall include references to service as a member of a headquarters.

Coroners' inquests and removal of bodies

6. The references in section 7 to a deceased person who at the time of his death had a relevant association with a visiting force shall include references to a deceased person who at the time of his death was a member of a headquarters and belonged to a country to which that section applies or a dependant of such a member.

Application of law relating to home forces and settlement of claims

7. Sections 8 and 9 shall apply in relation to a headquarters and its members and property and persons connected with it as they apply in relation to a visiting force and its members and property and persons connected with it.

Evidence

8. For the purposes of the Visiting Forces Act 1952 as adapted by this Schedule—

- (a) a certificate issued by or on behalf of an authority appointed by a headquarters for the purposes of paragraph 2 of this Schedule stating that at a time specified in the certificate a person so specified either was or was not a military or civilian member of that headquarters and, if he was, belonged to any country so specified;
- (b) a certificate so issued stating that an alleged offence, if committed by a person so specified, arose out of and in the course of his duty as a member of that headquarters;

shall be sufficient evidence of the fact so stated unless the contrary is proved.

9. Subsection (3) of section 16 shall apply in relation to any document purporting to be any such certificate as is mentioned in paragraph 8 of this Schedule, and to the authority issuing such a certificate, as it applies in relation to such a certificate and authority as are mentioned in that section.