



# Armed Forces Act 2011

## 2011 CHAPTER 18

### *Other amendments and repeals*

#### **25 Claims against visiting forces: transfer of liability**

After section 9 of the Visiting Forces Act 1952 insert—

##### **“9A Claims against visiting forces: transfer of liability**

- (1) This section applies where a claim is brought in a court in the United Kingdom against a country to which this section applies (“the country concerned”) and the claim is within subsection (2).
- (2) A claim is within this subsection if—
  - (a) it is a claim in tort;
  - (b) it arises—
    - (i) out of an act done by a member of a visiting force of the country concerned, or of a civilian component of such a force, in the performance of official duties; or
    - (ii) out of any other act or occurrence for which a visiting force of the country concerned, or a civilian component of such a force, is legally responsible;
  - (c) it is brought by a third party; and
  - (d) it is not an excluded claim.
- (3) Where this section applies the Secretary of State may, if requested to do so by the country concerned, make a declaration under this section.
- (4) A declaration under this section is a written declaration, signed by the Secretary of State, which—
  - (a) specifies the claim concerned and the matter to which it relates; and
  - (b) states that, with effect from a time specified in the declaration, any liability in tort of the country concerned in respect of that matter is transferred to the Ministry of Defence.

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*Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2011, Section 25. (See end of Document for details)*

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- (5) A declaration under this section has the effect that the liability mentioned in the declaration is transferred to the Ministry of Defence at the time specified in the declaration.
- (6) The Secretary of State must notify the country concerned and the claimant where a declaration under this section has been made.
- (7) Section 9 does not apply to a claim in respect of which liability has been transferred under this section.
- (8) In this section—  
“act” includes an omission;  
“the Agreement” means the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done in London on 19th June 1951;  
“excluded claim” means a claim to which, by virtue of paragraph 5(h) of Article VIII of the Agreement (certain claims arising from ships and cargo), paragraph 5(a) of that Article does not apply;  
“third party” means a person other than a member of a visiting force of the country concerned or of a civilian component of such a force;  
“tort” includes delict.
- (9) It is immaterial for the purposes of this section whether the country concerned is the only defendant in relation to the claim mentioned in subsection (1).”

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#### **Commencement Information**

**II** [S. 25](#) in force at 6.4.2013 by [S.I. 2013/784](#), [art. 3](#)

**Changes to legislation:**

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