



German Conventions Act 1955

1955 CHAPTER 2

An Act to provide for matters relating to certain tribunals agreed to be set up by conventions with the Federal Republic of Germany and to the enforcement of the customs laws of the Federal Republic in pursuance of those conventions by authorities of Her Majesty's forces. [6th July 1955]

WHEREAS certain Conventions were signed at Bonn on the twenty-sixth day of May, nineteen hundred and fifty-two, on behalf of the Governments of the United States of America, the United Kingdom, the French Republic and the Federal Republic of Germany (copies thereof being presented to Parliament in that month):

And whereas those Conventions were amended by a protocol signed at Paris on the twenty-third day of October, nineteen hundred and fifty-four (a copy thereof being presented to Parliament in the ensuing month), and as so amended came into force with that protocol on the fifth day of May, nineteen hundred and fifty-five:

And whereas it is expedient, in order that effect may be given to those Conventions, to provide for certain matters relating to the Arbitration Tribunal and to the Supreme Restitution Court and the Arbitral Commission on Property, Rights and Interests in Germany agreed to be set up by the Convention on Relations between the Three Powers and the Federal Republic and by the Convention on Matters arising out of the War and the Occupation respectively, and for enabling the laws of the Federal Republic as to the importation and exportation of goods to be enforced in certain respects by the authorities of Her Majesty's forces instead of by those of the Federal Republic as agreed by the Convention on the Rights and Obligations of Foreign Forces and their Members in that Republic:

Now, therefore, 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 Arbitration Tribunal, Supreme Restitution Court and Arbitral Commission (immunities and privileges, etc.).

- (1) A person shall not be liable to any legal proceedings in respect of acts performed in the exercise of his official duties—
- (a) as member of the Arbitration Tribunal, the Supreme Restitution Court or the Arbitral Commission;
 - (b) as state counsel appointed to a division of the Supreme Restitution Court under the charter of that court;
 - (c) as court clerk of a division of the Supreme Restitution Court; or
 - (d) as agent, counsel or other representative of a party to proceedings before the Arbitration Tribunal or Arbitral Commission;
- and a party to proceedings before the Arbitral Commission who appears in person shall not be liable to any legal proceedings in respect of acts performed in the presentation of his case.
- (2) The International Organisations (Immunities and Privileges) Act, 1950 (which enables diplomatic privileges to be conferred by Order in Council in order to give effect to international agreements), shall have effect in relation to members of the Arbitration Tribunal or Arbitral Commission, other than citizens of the United Kingdom and colonies, as it has effect in relation to officers of an organisation to which section one of that Act applies holding offices specified under sub-paragraph (ii) of paragraph (b) of subsection (2) of that section.
- (3) For the purposes of the Foreign Tribunals Evidence Act, 1856 (which relates to the taking of evidence in the United Kingdom for the purpose of proceedings before a foreign tribunal), the Arbitral Commission, wherever sitting, shall be treated as a tribunal in and of the Federal Republic of Germany, and subsection (4) of section one of the Perjury Act, 1911, and any corresponding enactment for the time being in force in Northern Ireland, shall have effect accordingly.

2 Enforcement of German customs law.

- (1) For the purpose of giving effect to the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany (as amended by the Paris protocol), the authorities of Her Majesty's forces may be authorised by the Admiralty, Army Council or Air Council to seize or detain any goods in respect of which the laws of the Federal Republic of Germany relating to the importation and exportation of goods are contravened by a person to whom this section applies.
- (2) Any goods lawfully seized or detained by virtue of this section shall be forfeited to Her Majesty and may be sold or otherwise disposed of in accordance with any arrangements so authorised.
- (3) This section applies—
- (a) to any person, who, by reason of his military service relationship, is serving with the armed forces of the three powers or other sending state and is present in the territory of the Federal Republic; and
 - (b) to any other person who is in the service of such forces or attached to them and either is stationed in that territory or in Berlin or is present on duty in that territory, but not including a person who is not a national of one of the three powers or of another sending state and has been engaged in the territory of the Federal Republic; and

- (c) to any person who is a spouse or child of a person included in paragraph (a) or (b) of this subsection or who is a close relative supported by a person so included and for whom that person is entitled to receive material assistance from the said forces:

Provided that paragraphs (a) and (b) of this subsection shall not include any person who is a German within the meaning of German law, unless he enlisted or was inducted into, or was employed by, the armed forces of the power or state in question in the territory of that power or state and at that time either had his permanent place of residence there or had been resident there for at least a year.

- (4) In this section the expression " the three powers " means the United Kingdom, the United States of America and the French Republic, and the expression " other sending state " has the meaning assigned to it by the Paris protocol by way of amendment of Article 1 of the Convention referred to in subsection (1) of this section.
- (5) This section shall be deemed to have had effect as from the coming into force of the said Convention.

3 Short title.

This Act may be cited as the German Conventions Act, 1955.