



Visiting Forces Act 1952

1952 CHAPTER 67

PART III

SUPPLEMENTARY PROVISIONS

15 Extension of Act to colonies and dependencies

- (1) As regards any territory specified in subsection (3) of this section, Her Majesty may by Order in Council direct that—
 - (a) the provisions of this Act other than this section, and
 - (b) any Order in Council made under subsection (2) of section one of this Act which is in force at the coming into operation of the Order under this section,shall extend to that territory, subject to such adaptations, modifications or exceptions as may be specified in the Order under this section.
- (2) Where an Order in Council is made under this section as respects a territory, and while that Order is in force an Order in Council is made under subsection (2) of section one of this Act (in this subsection referred to as "the subsequent Order") the subsequent Order may either be made so as to extend to that territory as aforesaid, subject to such adaptations, modifications or exceptions as may be specified in the subsequent Order, or may be made so as not to extend thereto, as may be provided in the subsequent Order.
- (3) The territories hereinbefore referred to are the following:—
 - (a) the Channel Islands and the Isle of Man;
 - (b) all colonies;
 - (c) all protectorates and protected states within the meaning of the British Nationality Act, 1948 ; and
 - (d) all United Kingdom trust territories as defined in that Act.

16 Provisions as to proof of facts by certificate

- (1) For the purposes of this Act—

Status: This is the original version (as it was originally enacted).

- (a) a certificate issued by or on behalf of the appropriate authority of a country, stating that a body, contingent, or detachment of the forces of that country is, or was, at a time specified in the certificate, present in the United Kingdom, shall in any proceedings in any United Kingdom court be conclusive evidence of the fact so stated; and
 - (b) where in any such proceedings it is admitted or proved, (whether by means of a certificate under the foregoing paragraph or otherwise) that a body, contingent or detachment of the forces of a country is or was at any time present in the United Kingdom, it shall be assumed in those proceedings, unless the contrary is shown, that the body, contingent or detachment is or was at that time present in the United Kingdom on the invitation of Her Majesty's Government in the United Kingdom.
- (2) Where in any certificate issued for the purposes of this Act reference is made to a person by name, and in any proceedings in a United Kingdom court reference is made to a person by that name (whether as a party to the proceedings or otherwise), the references in the certificate and in the proceedings respectively shall, unless the contrary is proved, be deemed to be references to one and the same person.
- (3) Any document purporting to be a certificate issued for the purposes of any provision of this Act, and to be signed by or on behalf of an authority specified therein, shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that authority; and where under the provision in question a certificate is required to be issued by or on behalf of the appropriate authority of a country, and the document purports to be signed by or on behalf of an authority of that country, that authority shall, unless the contrary is proved, be deemed to be the appropriate authority of that country for the purposes of that provision.

17 Interpretation

- (1) In this Act, unless the context otherwise requires, the expression "forces", in relation to a country, means any of the naval, military or air forces of that country, the expression "United Kingdom court" means a court exercising jurisdiction in the United Kingdom under United Kingdom law otherwise than by virtue of section two of this Act, and the expression "United Kingdom law" means the law of the United Kingdom or of any part thereof.
- (2) For the purposes of this Act a member of a force of any country which (by whatever name called) is in the nature of a reserve or auxiliary force shall be deemed to be a member of that country's forces so long as, but only so long as, he is called into actual service (by whatever expression described) or is called out for training; and any reference in this Act to a person's becoming a member of a country's forces shall be construed accordingly.
- (3) References in any provision of this Act to the appropriate authority of a country are references to such authority as may be appointed by the Government of that country for the purposes of that provision.
- (4) References in this Act to the presence of any forces in the United Kingdom at any time shall be construed as including references to their being at that time in transit to the United Kingdom.
- (5) In this Act, unless the context otherwise requires, any reference to an enactment shall be construed as a reference to that enactment as amended by or under any other

enactment, and in this subsection the expression " enactment" includes an enactment of the Parliament of Northern Ireland.

- (6) Any power conferred by the foregoing provisions of this Act to make an Order in Council or order shall be construed as including a power, exercisable in the like manner, to vary or revoke the Order in Council or order ; and an Order in Council varying or revoking an Order under subsection (2) of section one of this Act may contain such transitional provisions as appear to Her Majesty in Council expedient in consequence of the variation or revocation.

18 Repeals

There are hereby repealed—

- (a) sections one to three of the Visiting Forces (British Commonwealth) Act, 1933, and subsection (1) of section five of that Act; and
- (b) the Allied Forces Act, 1940, and. the United States of America (Visiting Forces) Act, 1942:

Provided that (without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889) where immediately before the commencement of this section a person was imprisoned or detained in pursuance of any provision of those Acts or of any Order in Council made thereunder, the said repeal shall not affect the operation of any such provision in relation to his continued imprisonment or detention.

19 Short title and commencement

- (1) This Act may be cited as the Visiting Forces Act, '1952.
- (2) This Act shall come into operation on such date as Her Majesty may by Order in Council appoint, and different dates ' may be appointed in relation to different provisions of this Act.