



Visiting Forces Act 1952

1952 CHAPTER 67

PART I

VISITING FORCES

2 Exercise of powers by service courts and authorities of countries sending visiting forces

- (1) The service courts and service authorities of a country to which this section applies may within the United Kingdom, or on board any of Her Majesty's ships or aircraft, exercise over persons subject to their jurisdiction in accordance with this section all such powers as are exercisable by them according to the law of that country.
- (2) The persons subject to the jurisdiction of the service courts and service authorities of a country in accordance with this section are the following, that is to say—
 - (a) members of any visiting force of that country; and
 - (b) all other persons who, being neither citizens of the United Kingdom and Colonies nor ordinarily resident in the United Kingdom, are for the time being subject to the service law of that country otherwise than as members of that country's forces:

Provided that for the purposes of this subsection a person shall not be treated as a member of a visiting force of a country if he became (or last became) a member of that country's forces at a time when he was in the United Kingdom unless it is shown that he then became a member of those forces with his consent.

- (3) Where any sentence has, whether within or outside the United Kingdom, been passed by a service court of a country to which this section applies upon a person who immediately before the sentence was passed was subject to the jurisdiction of that court in accordance with this section, then for the purposes of any proceedings in a United Kingdom court the said service court shall be deemed to have been properly constituted, and the sentence shall be deemed to be within the jurisdiction of that court and in accordance with the law of that country, and if executed according to the tenor of the sentence shall be deemed to have been lawfully executed.

Status: This is the original version (as it was originally enacted).

- (4) Notwithstanding anything in the foregoing provisions of this section, a sentence of death passed by a service court of a country to which this section applies shall not be carried out in the United Kingdom unless under United Kingdom law a sentence of death could have been passed in a similar case.
- (5) Any person who—
- (a) is detained in custody in pursuance of a sentence as respects which subsection (3) of this section has effect, or
 - (b) being subject in accordance with this section to the jurisdiction of the service courts of a country to which this section applies, is detained in custody pending or during the trial by such a court of a charge brought against him,
- shall for the purposes of any proceedings in any United Kingdom court be deemed to be in legal custody.
- (6) For the purpose of enabling the service courts and service authorities of a country to which this section applies to exercise more effectively the powers referred to in subsection (1) of this section, the Admiralty, the Army Council or the Air Council, if so requested by the appropriate authority of that country, may from time to time by general or special orders direct members of the home forces to arrest any -person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country and to hand him over to such service authority of that country as may be designated by or under the orders.