
EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates with amendments the Visiting Forces and International Headquarters (Application of Law) Order 1965 as amended.

The visiting forces and international headquarters to which the Order applies are specified in *article 3* and *Schedules 1 and 2*.

Article 4 extends the Secretary of State's powers under the Supply Powers Act 1975 to acquire, produce, store and dispose of articles needed for the public service to include articles needed for the purposes of a visiting force or headquarters. There is a corresponding extension of other powers conferred by the Act. This is subject to the limitation that the Secretary of State can only use such powers for visiting forces or headquarters to the extent that such powers could be used for the home forces.

Article 5 and *Schedule 3* extend certain powers of government departments and the Secretary of State to acquire and use land and rights over land for the purposes of the home forces so that such powers may be exercised for the purposes of visiting forces and headquarters.

Article 6 and *Schedule 4* extend the powers of government departments with respect to the use of intellectual property rights for the services of the Crown so that they may be exercised for the purposes of visiting forces and headquarters. This is subject to the limitation that such powers may only be used for the purposes of a visiting force or headquarters to the extent that they could be so used if the force or headquarters formed part of the home forces.

Article 7 enables agreements to be made under which visiting forces and headquarters may operate wireless telegraphy and telecommunications systems without a licence. Agreements under *article 7* may also provide for visiting forces and headquarters to be exempt from the controls imposed under section 10 of the Wireless Telegraphy Act 1949 on interference caused by electro-magnetic radiation from apparatus; and for visiting forces and headquarters to be able to run their own postal system notwithstanding the exclusive privilege conferred on the Post Office by section 66 of the British Telecommunications Act 1981.

Article 8 extends to vehicles in the service of a visiting force or headquarters, and those driving such vehicles, certain of the exemptions from Road Traffic legislation in Great Britain which they would have enjoyed if the force or headquarters had been a part of the home forces. These include exemptions from the provisions regulating drivers' hours, from the provisions concerning the inspection of public passenger vehicles and goods vehicles, and from the provisions requiring compulsory insurance.

Article 9 makes similar provision in relation to Northern Ireland.

Article 10 confers on members of a visiting force or headquarters, persons employed in the service of such a force or headquarters, and property used for the purposes of a visiting force or headquarters, the same privileges, exemptions and immunities from the payment of rates or duties in respect of the use of any harbour, dock or pier as would be conferred on them by virtue of section 28 of the Harbours, Docks and Piers Clauses Act 1847 if the force or headquarters were a part of the home forces. This is subject to the proviso that, where an agreement is in force providing for the payment of sums on account of rates and duties, a visiting force or headquarters is to make equivalent payments.

Article 11 provides for land which is owned and used by a visiting force or headquarters to be treated under Town and Country Planning legislation in the same way as Crown land.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Article 12(1) provides for visiting forces and headquarters to be exempt from the enactments listed in *Schedule 5* to the extent that they would be so exempt if they were a part of the home forces under the rule of law whereby, in the absence of an express provision or necessary implication, statutes do not bind the Crown.

Article 12(2) and *Schedule 6* modify the enactments listed in that Schedule so as to extend to visiting forces and headquarters the exemptions, privileges and immunities that they would enjoy under those enactments if the force or headquarters formed a part of the home forces.

Article 13 provides for visiting forces and headquarters to be treated under the Factories Acts in the same way as the Crown.

Article 14 extends to medical officers of a visiting force or headquarters the obligations of a registered medical practitioner under section 11 of the Public Health (Control of Disease) Act 1984 to report cases involving notifiable diseases and food poisoning to the local authority. Similar provision is made in relation to Northern Ireland by extending the reference to medical practitioner in section 2 of the Public Health Act (Northern Ireland) 1967.

Article 15 provides for certain provisions of the Clean Air Act 1993 and the Clean Air (Northern Ireland) Order 1981 to apply to premises occupied for the purposes of a headquarters in the same way as they apply to premises in the public service of the Crown. Section 46(5) of the 1993 Act and Article 29(5) of the 1981 Order already make similar provision in relation to premises occupied for the purposes of a visiting force.

Article 16 and *Schedule 7* make provision with respect to the attendance of witnesses before service courts, and with respect to the privileges and immunities of such witnesses and courts.

Article 17 and *Schedule 8* provide for temporary detention in the United Kingdom of persons sentenced by service courts.

Article 18 extends the application of section 192 of the Army Act 1955 so as to make it an offence for any person to procure or assist the desertion or absence without leave of a member of a visiting force or international headquarters.