

UK Parliament SIs 1950-1979/1954/601-650/Visiting Forces Act (Application to Colonies) Order 1954 (SI 1954/636)

1954 No 636

Visiting Forces Act (Application to Colonies) Order 1954

Made - - - 13th May 1954

Authority: Visiting Forces Act 1952, s 15(1)

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1

This Order may be cited as the Visiting Forces Act (Application to Colonies) Order 1954, and shall come into operation on the twelfth day of June, 1954.

NOTES

Initial Commencement

Specified date

Specified date: 12 June 1954: see above.

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2

Subject to the adaptations, modifications and exceptions specified in the Second Schedule to this Order, the provisions of the Act [as from time to time amended] other than section 15 thereof shall extend to the territories mentioned in the First Schedule to this Order.

NOTES

Initial Commencement

Specified date

Specified date: 12 June 1954: see art 1.

Amendment

Amended by SI 1960/1061.

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3

(1) In this Order the expression "territory" means a territory mentioned in the First Schedule to this Order and in the application of the Act under this Order to any territory "the Territory" means that territory.

(2) The Interpretation Act 1889, shall apply for the purpose of interpreting this Order as it applies for the purpose of interpreting an Act of Parliament.

NOTES

Initial Commencement

Specified date

Specified date: 12 June 1954: see art 1.

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SCHEDULE 1

Article 3

Aden (Colony and Protectorate)

[Anguilla]

[Ascension Island]

[Bahama Islands]

[Bermuda]

[The British Indian Ocean Territory]

[Cayman Islands]

[Colony of Seychelles]

...

Fiji

Gibraltar

Hong Kong

Malta

[Montserrat]

[North Borneo]

[Sarawak]

Singapore

[The Sovereign Base Areas of Akrotiri and Dhekelia]

[Turks and Caicos Islands]

[Virgin Islands]

(Reference in this Schedule to any territory of which there are dependencies shall be construed as including a reference to such dependencies.)

NOTES

Initial Commencement

Specified date

Specified date: 12 June 1954: see art 1.

Amendment

Entry "Anguilla" inserted by SI 1990/242, art 2.

Entry "Ascension Island" inserted by SI 1959/1979, art 2.

Entry "Bahama Islands" inserted by SI 1967/1481, art 2.

Entry "Bermuda" inserted by SI 2001/3922, art 2(1).

Date in force: this amendment shall come into force on such date as the Governor of Bermuda may appoint by proclamation published in the Gazette of Bermuda: see SI 2001/3922, art 1(2).

Entry "The British Indian Ocean Territory" inserted by SI 1967/1481, art 2.

Entry "Cayman Islands" inserted by SI 1990/242, art 2.

Entry "Colony of Seychelles" inserted by SI 1967/1481, art 2.

Entry "Cyprus" (omitted) revoked by SI 1962/1638, art 3.

Entry "Montserrat" inserted by SI 1990/242, art 2.

Entries "North Borneo" and "Sarawak" inserted by SI 1959/874, art 2(a).

Entry "The Sovereign Base Areas of Akrotiri and Dhekelia" inserted by SI 1962/1638, art 3.

Entry "Turks and Caicos Islands" inserted by SI 1967/811, art 2.

Entry "Virgin Islands" inserted by SI 1990/242, art 2.

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SCHEDULE 2

ADAPTATIONS, MODIFICATIONS AND EXCEPTIONS TO BE MADE IN THE APPLICATION OF THE ACT TO THE TERRITORY

Article 2

1

(1) For the words "United Kingdom" wherever they occur there shall be substituted the word "Territory" except--

- (i) in paragraph (a) of sub-section (1) of section 10;
- (ii) in the expression "citizen of the United Kingdom and Colonies";
- (iii) in the expression "Her Majesty's Government in the United Kingdom"; and
- (iv) in any other context in which the following provisions of this Schedule otherwise require.

(2) For the words "United Kingdom court" wherever they occur there shall be substituted the words "court of the Territory".

(3) For the words "United Kingdom law" wherever they occur except in sub-section (4) of section 10 there shall be substituted the words "the law of the Territory".

(4) For the words "the Secretary of State", "the Minister of Defence" or "the said Minister", wherever they occur there shall be substituted the words "the Governor".

[1A

In paragraph (a) of subsection (1) of section 1 the word "Ghana" shall be omitted.]

2

(1) For paragraph (b) of sub-section (1) of section 1 there shall be substituted the following paragraph:--

"(b) Any country which, by Order in Council *under the next following sub-section*, is designated in respect of the Territory for the purposes of that provision".

(2) In sub-section (2) of section 1 immediately after the words "should have effect" there shall be inserted the words "in the Territory"; and for the words "Her Majesty may by Order in Council designate that country for the purposes of the provisions in question" there shall be substituted the words "Her Majesty may by Order in Council designate that country in respect of the Territory for the purposes of the provisions in question".

(3) In sub-section (3) of section 1 immediately after the words "in so far as this Act has effect" there shall be inserted the words "in the Territory".

(4) Sub-section (4) of section 1 shall be omitted.

3

(1) In sub-section (1) of section 2 for the words "any of Her Majesty's ships or aircraft" there shall be substituted the words "any ships or aircraft belonging to Her Majesty in right of the Territory".

(2) For sub-section (6) of section 2 there shall be substituted the following sub-section--

"(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 sub-section (1) of this section, the Governor may, if so requested by the appropriate authority of that country, from time to time by general or special orders direct members of United Kingdom forces or local 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."

4

(1) Save as otherwise provided by sub-paragraph (2) of this paragraph, in paragraph (a) of sub-section (3) of section 3 for the words "the Director of Public Prosecutions (in the case of a court in England or Wales), the Lord Advocate (in the case of a court in Scotland) or the Attorney General for Northern Ireland (in the case of a court in Northern Ireland)" there shall be substituted the words "the Governor".

(2) In the application of the Act to Fiji, [Gibraltar, [Hong Kong, Northern Borneo and Singapore]] for the words in paragraph (a) of sub-section (3) of section 3 that are referred to in sub-paragraph (1) of this paragraph there shall be substituted the words "the Attorney General".

[(2A) . In the application of the Act to Sarawak for the words in paragraph (a) of subsection (3) of section 3 that are referred to in sub-paragraph (1) of this paragraph there shall be substituted the words "the Public Prosecutor".]

(3) For sub-section (6) of section 3 the following sub-section shall be substituted.

"(6) In this section the expressions "offence against the person" and "offence against property" shall be construed as meaning offences against the law of the Territory which are analogous to offences within the meaning of those expressions construed in accordance with paragraph 1 and 3 of the Schedule to this Act:

Provided that, if the legislature of the Territory, for the removal or avoidance of doubts, provide by law that a specified offence against the law of the territory is analogous as aforesaid, the provision so made shall in relation to the Territory, have effect as if it formed part of this sub-section."

5

(1) In sub-section (2) of section 5--

(a) for the words "a constable" there shall be substituted the words "a member of the police force of the Territory";

(b) for the words and figures "section thirty-eight of the Summary Jurisdiction Act, 1879" there shall be substituted the words "any law of the Territory";

(c) For the words "a court of summary jurisdiction", wherever they occur, there shall be substituted the words "a court of the Territory";

(d) for the words "the said section thirty-eight" there shall be substituted the words "the law of the Territory".

(2) Sub-section (3) and (4) of section 5 shall be omitted.

6

For sub-sections (4), (5), (6) and (7) of section 7 there shall be substituted the following sub-sections:--

"(4) Any law of the Territory restricting the removal out of the Territory of the body of a deceased person shall not apply to the body of a person who at the time of his death had a relevant association with a visiting force:

Provided that this sub-section shall not apply as respects the body of a person concerning whose death, by virtue of a direction of the Governor under sub-section (1) or (3) of this section, an inquest to be held or, if begun, is required to be resumed.

(5) Notwithstanding anything in any law of the Territory relating to certificates to be given to persons giving information concerning deaths, a certificate shall not be given under such law to the person giving information concerning a death if that person states that the body is one as respects which the last foregoing sub-section has effect and that it is proposed to remove the body out of the Territory.

(6) in this section--

"coroner" includes any person having jurisdiction in the Territory to hold an inquest; references to an inquest shall be construed as including references to an inquiry; and

"homicide" includes the offences of murder, manslaughter and infanticide, any offence under the law of the Territory which is analogous to the offence of murder, manslaughter or infanticide, and any offence under the law of the country in question which is analogous to any of the offences aforesaid."

7

In section 8--

- (a) for the words "Her Majesty may by Order in Council" wherever those words occur there shall be substituted the words "the Governor may by order";
- (b) for the words "home forces" wherever those words occur there shall be substituted the words "United Kingdom forces or local forces";
- (c) in sub-section (4) for the words "An Order in Council" there shall be substituted the words "An order" and for the words "Her Majesty in Council" there shall be substituted the words "the Governor";
- (d) sub-section (5) and (6) shall be omitted; and
- (e) for sub-section (7) there shall be substituted the following sub-section:--

"(7) In this section--

"enactment" means any law enacted by the legislature of the Territory whether passed before or after the passing of this Act, and includes any instrument having effect under an enactment;

"property" includes both immovable and movable property".

8

(1) Subject to sub-paragraph (2) of this paragraph in sub-section (1) of section 9 for the words "de-frayed out of moneys provided by Parliament" there shall be substituted the words "charged on the reve-nues of the Territory".

(2) In the application of the Act to Malta [and to the Sovereign Base Areas if Akrotiri and Dhekelia] sub-section (1) of section 9 shall have effect as if all words in that sub-section which follow the words "as may be provided by the arrangements" were omitted.

9

[(1)] In sub-section (4) of section 10 for the words "United Kingdom law" there shall be substituted the words "law of the Territory".

[(2)] In the application of the Act to the Sovereign Base Area of Akrotiri and Dhekelia section 10 shall have effect as if--

- (a) in subsection (1) for sub-paragraphs (a), (b) and (c) the following sub-paragraphs were substi-tuted:--

"(a) that he holds a passport issued in respect of him by a Government, not being a passport is-sued by the passport authorities of the United Kingdom or any colony; and that the passport contains an uncancelled entry made by or on behalf of the appropriate authority of the sending country stating that he is a member of a civilian component of a visiting force of that country; or

(b) that he is in possession of an identity card issued by the appropriate authority of the sending country stating that he is a member of a civilian component of a visiting force of that country."

- (b) subsection (2) were omitted;

(c) in subsection (3)--

(i) in paragraph (b) for the reference to paragraph (b) of subsection (1) there were substituted a reference to paragraph (a) of that subsection (as substituted by sub-paragraph (2)(a) of this paragraph);

(ii) for paragraph (c) the following paragraph were substituted--

"(c) a document purporting to be an identity card issued by or on behalf of the appropriate authority of a sending country and bearing the name by which a person is referred to in the proceedings (whether as a party or not) shall, unless the contrary is proved, be deemed to have been so issued, and to relate to the person so referred to;"

10

[(1)] In sub-section (1) of section 12--

(a) the definition of "Her Majesty's ships or aircraft" shall be omitted;

(b) the definition of "home forces" shall be omitted and the following definition shall be inserted immediately after the definition of "service law":--

"United Kingdom forces" means any of the forces of Her Majesty raised in the United Kingdom and for the time being serving in the Territory'."

(c) immediately before the definition of "member" there shall be inserted the following definition:--

"Local forces" means any of the forces raised in a colony, a protectorate or protected state within the meaning of the British Nationality Act, 1948, or a United Kingdom trust territory as defined in that Act and includes any police force or other body raised in the Territory which, by virtue of any law of the Territory, has become a naval, military or air force;"

[(2)] In the application of the Act to the Sovereign Base Areas of Akrotiri and Dhekelia section 12 (4) shall effect as if--

(a) in paragraph (a) the word "and" were omitted;

(b) in paragraph (b) for the full-stop a semi-colon and the word "and" were substituted;

(c) the following paragraph were added--

"(c) any other person (not being a national of nor ordinarily resident in the Republic of Cyprus) who is in domestic employment in the household of that person.]

[11

In section 13 (as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, for the words "United Kingdom" wherever they occur there shall be substituted the word "Territory".]

12

In paragraph (a) of section 14 for the words "the Secretary of the Admiralty, the Secretary of the Army Council or the Secretary of the Air Council" there shall be substituted the words "the Governor".

13

(1) For sub-section (1) of section 17 there shall be substituted the following sub-section:--

"(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:--

"Attorney General" means the Attorney General of the Territory and any reference to the Attorney General shall be construed as including a reference to any person who is for the time being performing the functions of the Office of Attorney General.

"court of the Territory" means a court exercising jurisdiction in the Territory under the law of the Territory otherwise than by virtue of section 2 of this Act;

"forces", in relation to a country, means any of the naval, military or air forces of that country;

"Governor", means the person for the time being administering the government of the Territory . . . ;

"law of the Territory" means law in force in the Territory or in any part thereof;

"legislature of the Territory" includes any authority having power to make laws for the Territory;"

(2) In sub-section (5) of section 17 the words 'and in this subsection the expression "enactment" includes an enactment of the Parliament of Northern Ireland' shall be omitted.

14

Sub-section (2) of section 19 shall be omitted.

NOTES

Initial Commencement

Specified date

Specified date: 12 June 1954: see art 1.

Amendment

Para 1A: inserted by SI 1960/1061.

Para 2: in sub-para (1) words "under the next following sub-section" in italics revoked by SI 2001/3922, art 2(2).

Date in force: this revocation shall come into force on such date as the Governor of Bermuda may appoint by proclamation published in the Gazette of Bermuda: see SI 2001/3922, art 1(2).

Para 4: amended by SI 1957/103 and 1959/874.

Paras 8-10: amended by SI 1962/1638.

Para 11: substituted by SI 1957/103.

Para 13: words omitted originally inserted by SI 1967/811, revoked by SI 1990/242, art 3.

Transfer of Functions

By virtue of the Scotland Act 1998, s 44(1)(c), the Lord Advocate ceased, on 20 May 1999 (see SI 1998/3178), to be a Minister of the Crown and became a member of the Scottish Executive. Accordingly, certain functions of the Lord Advocate are transferred to the Secretary of State (or as the case may be the Secretary of State for Scotland), or the Advocate General for Scotland: see the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999, SI 1999/678 and the Transfer of Functions (Lord Advocate and Advocate General for Scotland) Order 1999, SI 1999/679.

