

to the Secretary of State quoting the reference RD 75/2/229/01 and stating the grounds of objection.

H. E. Robson, An Assistant Secretary of the Welsh Office.

11th August 1965.

## COMMONWEALTH RELATIONS OFFICE

Downing Street, London S.W.1.

9th August 1965.

The QUEEN has been pleased to approve of the retention of the title of "Honourable" by Tom Cleave Stott, Esq., C.B.E., formerly Speaker of the House of Assembly of the State of South Australia.

## MINISTRY OF DEFENCE

[Revised 22nd July 1965]

### VISITING FORCES ACT, 1952, AND INTERNATIONAL HEADQUARTERS AND DEFENCE ORGANISATIONS ACT, 1964.

*Statement Issued by the Secretary of State for Defence in Pursuance of Section 9 (2) of the Visiting Forces Act, 1952.*

The nature and operation of the arrangements made by the Secretary of State for Defence under section 9 of the Visiting Forces Act, 1952, with regard to the settlement of claims against (1) Visiting Forces of the countries listed in the Schedule hereto and (2) International Headquarters or Defence Organisations designated for that purpose under the International Headquarters and Defence Organisations Act, 1964, are as follows:

#### PART I

##### *(Claims against a Visiting Force)*

1. The claims to which the arrangements relate are:

(a) Claims arising out of tortious acts committed on land in the United Kingdom by any member of one of the said Visiting Forces or its civilian component or any other act on land for which a Visiting Force or its civilian component is responsible in tort and claims other than contractual claims arising out of or in connection with the operation over the territory of the United Kingdom or the territorial waters thereof of an aircraft owned or controlled by a Visiting Force.

(b) Claims (hereinafter called maritime claims) in respect of death or personal injury caused by acts for which a Visiting Force of such a country is responsible in tort arising out of or in connection with the navigation or operation within the United Kingdom or the territorial waters thereof of a naval vessel of one of the said countries listed in the Schedule hereto or a ship engaged for the purposes of a Visiting Force present in the United Kingdom and owned by or at the risk of a country to which that Visiting Force belongs including claims in respect of death or personal injury arising out of the loading, carriage or discharge of the cargo from any such ship in the United Kingdom.

2. The arrangements apply to claims arising out of acts done on or after the dates shown against the countries listed in the Schedule.

3. Claimants must address their claims as follows:

(a) Claims other than maritime claims should be addressed to:

The Ministry of Defence, Claims Commission, York House, Kingsway, London W.C.2.

(b) Maritime claims should be addressed to:

The Ministry of Defence (Naval Law Division), Old Admiralty Building, Whitehall, London S.W.1.

4. If the alleged tortious act was committed in the performance of an official duty, the claim will be dealt with in the same manner as it would have been if such tortious act had been committed by a member of the British Armed Forces. If a settlement of the claim is reached by negotiation any sum due under

that settlement will be paid by the Secretary of State for Defence. If a settlement of the claim cannot be reached by negotiation it is open to the claimant to bring proceedings in the British Courts in respect of his claim against the individual wrongdoer concerned and any sum due under any judgment of the Court obtained by the claimant will be paid to him (provided notice of the intention to start proceedings against the wrongdoer has been given to the authorities referred to in paragraph 3).

5. If on investigation of a claim it is ascertained that the act complained of was not done in the performance of an official duty, no responsibility for settlement will be accepted by the Secretary of State for Defence. The claim will, however, be investigated by the appropriate United Kingdom authority and a report prepared and submitted to the appropriate authority of the Visiting Force concerned so that the latter may consider whether or not an ex gratia payment might be made to the claimant direct by the particular Force concerned. A claimant, if he so desires, may institute proceedings against the individual concerned in respect of any act outside the scope of his official duty, but responsibility for satisfying a judgment obtained in these circumstances will not be accepted by the Secretary of State for Defence.

6. If a dispute arises whether a tortious act of a member of a Visiting Force or civilian component was committed in the performance of official duty the question may be submitted to a legal Arbitrator whose decision will be binding and conclusive upon all the parties concerned. The same course will be followed where a claimant is unable to identify the wrongdoer.

#### PART II

##### *(Claims against an International Headquarters or Defence Organisation)*

7. The claims to which the arrangements relate are:

(a) Claims arising out of tortious acts committed on land in the United Kingdom by a military or civilian member of any International Headquarters or Defence Organisation or arising out of any other act on land for which the said Headquarters or Organisation is responsible in tort and claims other than contractual claims arising out of or in connection with the operation over the territory of the United Kingdom or the territorial waters thereof of an aircraft owned or controlled by an International Headquarters or Defence Organisation.

(b) Claims (hereinafter called maritime claims) in respect of death or personal injury caused by acts for which an International Headquarters or Defence Organisation is responsible in tort arising out of or in connection with the navigation or operation within the United Kingdom or the territorial waters thereof of any ship engaged for the purposes and at the risk of an International Headquarters or Defence Organisation including any claims in respect of death or personal injury arising out of the loading, carriage or discharge of the cargo from any such ship in the United Kingdom.

8. The arrangements apply to claims arising out of acts done on or after the 2nd day of September 1965.

9. (a) Claims other than maritime claims should be addressed to:

The Ministry of Defence, Claims Commission, York House, Kingsway, London W.C.2.

(b) Maritime claims should be addressed to:

The Ministry of Defence (Naval Law Division), Old Admiralty Building, Whitehall, London S.W.1.

10. Claims in tort arising out of an act of an International Headquarters or Defence Organisation, or out of an act done in the performance of official duty by a military or civilian member of such Headquarters or Organisation, will be dealt with in the same way as a claim made against a Visiting Force in the United Kingdom. Thus if settlement of the claim is reached by negotiation any sum due under the settlement will be paid, by the Secretary of State for Defence. If settlement of the claim cannot be reached by negotiation it is open to a claimant to bring proceedings in the Courts of the United Kingdom in respect of his claim against (i) the individual tortfeasor concerned, and/or (ii) the responsible designated International Headquarters or Defence