

No. 119. THE VISITING FORCES ACT, 1952,  
AND  
THE VISITING FORCES ACT (APPLICATION TO COLONIES)  
ORDER, 1954.

ORDER MADE BY THE GOVERNOR.

JOHN HARDING,  
*Governor.*

In exercise of the powers vested in me by section 8 of the Visiting Forces Act, 1952, as extended to the Colony by the Visiting Forces Act (Application to Colonies) Order, 1954, and as read together with the Visiting Forces (Designation) Order, 1954, the Visiting Forces (Designation) (Colonies) Order, 1954, and the Visiting Forces (Designation) (Colonies) (Amendment) Order, 1956, I, the Governor, do hereby order as follows:—

1. This Order may be cited as the Visiting Forces (Application of Law) (Amendment) Order, 1957, and shall be read as one with the Visiting Forces (Application of Law) Order, 1956 (hereinafter referred to as "the principal Order"), and the principal Order and this Order may together be cited as the Visiting Forces (Application of Law) Orders, 1956 and 1957.

2. The principal Order is hereby amended by the deletion therefrom of the Second and Third Schedules thereto and by the substitution therefor of the following Schedules:—

“SECOND SCHEDULE.

PROVISIONS RELATING TO SERVICE COURTS OF VISITING FORCES.

*Civilian Witnesses.*

1. Subject to the provisions of this Schedule, any person required as a witness for the purposes of a service court of a visiting force (not being a person subject to the Naval Discipline Act, to military law or to air-force law, or a person subject to the jurisdiction of a service court of a visiting force under sub-section (2) of section 2 of the Visiting Forces Act, 1952) may be summoned or ordered to attend the court by any officer of the home forces who would have power to summon him to attend if the service court were a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955.

2. An officer shall not issue a summons or order for the attendance of any person as a witness under the foregoing paragraph unless it appears to him that it is reasonably practicable to procure that person's attendance and that provision for the reasonable expenses of his attendance has been or will be made.

3. In relation to a person summoned or ordered to attend a service court under paragraph 1 of this Schedule, section 101 of the Army Act, 1955 (which relates to offences by civilians in relation to courts-martial), shall apply as if for any reference to a court-martial there were substituted a reference to the service court.

*Service Witnesses.*

4. Any person required as a witness for the purposes of a service court of a visiting force, being a person subject to the Naval Discipline Act, to military law or to air-force law, may, in accordance with arrangements made in that behalf between the service authorities of the visiting force and the Admiralty, the Army Council or the Air Council, as the case may be, be ordered to attend that court by the proper naval, military or air-force authority.

*Gazettes :*  
*Supplement*  
*No. 3 :*  
*1.9.1956.*

5. In relation to a person ordered to attend a service court under the last foregoing paragraph, being a person subject to military law or to air-force law, sub-section (1) of section 57 of the Army Act, 1955, or of the Air Force Act, 1955, as the case may be (which relates to misconduct at courts-martial), shall apply as if for the references in paragraphs (a) to (f) to a court-martial there were substituted references to the service court, and as if the words 'other than the court in relation to which the offence was committed' were omitted.

6. In relation to a person ordered to attend as aforesaid, being a person subject to the Naval Discipline Act, that Act shall have effect as if for section 66 there were substituted the provisions of sub-section (1) of section 57 of the Army Act, 1955, and as if in that sub-section the modifications specified in the last foregoing paragraph had been made and, in addition :—

- (a) for the words 'military law' there were substituted the words 'this Act'; and
- (b) for the words from 'to imprisonment' to 'by this Act' there were substituted the words 'to dismissal from Her Majesty's service, or such other punishment as is mentioned in this Act'.

#### *General Provisions.*

7. A witness before a service court of a visiting force or any other person whose duty it is to attend on or before such a court shall be entitled to the same immunities and privileges as a witness before the High Court in England.

8.—(1) For the purposes of sub-section (1) of section 57 of the Army Act, 1955, or the Air Force Act, 1955, and of section 101 of the Army Act, 1955, as applied by virtue of this Schedule to proceedings before a service court of a visiting force, the expressions 'duly required' and 'lawfully required' shall be construed as if the service court were a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, as the case may be, and subject in particular to any rule of law with respect to Crown privilege.

(2) Without prejudice to the generality of the foregoing sub-paragraph, nothing in this Schedule shall compel any person to give or produce any evidence which he could not lawfully be compelled to give or produce in any court of criminal jurisdiction in England.

9. Any enactment or rule of law with respect to privilege in proceedings for defamation shall apply in relation to a service court of a visiting force as it applies in relation to a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955.

10. Any oath required to be taken for the purposes of a service court of a visiting force may be administered by the person authorised in that behalf under the service law of the sending country.

#### THIRD SCHEDULE.

##### CUSTODY, DETENTION AND TREATMENT OF PERSONS SENTENCED BY SERVICE COURTS OF VISITING FORCES.

1. A member of a visiting force who is sentenced by a service court of a visiting force to any form of imprisonment may, under the authority of the Admiralty or a Secretary of State, be detained temporarily, or for the whole or any part of his sentence, in any prison or establishment in which a person sentenced to imprisonment by a court-martial under the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, may be detained, or in naval, military or air-force custody.

2. A member of a visiting force who is sentenced by a service court of a visiting force to detention may, under the authority of the Admiralty or a Secretary of State, be detained temporarily, or for the whole or any part of his sentence, in any naval, military or air-force establishment in which a person sentenced to detention by a court-martial under the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, may be detained, or in naval, military or air-force custody.

3. Where such a person as is mentioned in paragraph (b) of sub-section (2) of section 2 of the Visiting Forces Act, 1952 (that is to say a person subject to the service law of the country in question otherwise than as a member of that country's forces who is not a citizen of the United Kingdom and Colonies nor ordinarily resident in the United Kingdom) is sentenced by a service court of a visiting force to any form of imprisonment, he may, under the authority of the Admiralty or a Secretary of State, be detained temporarily, or during the whole or any part of his sentence, in any civil prison or in naval, military, air-force or civil custody.

4. The Admiralty, the Army Council and the Air Council may make arrangements with the service authorities of any visiting force as to the reception from those authorities of persons to be detained under this Schedule and their return to those authorities, and as to the circumstances in which any such persons are to be released.

5. The provisions of any enactment with respect to the treatment of persons detained in prisons or other establishments mentioned in the foregoing provisions of this Schedule (including any such provisions relating to unsoundness of mind) shall apply—

- (a) in relation to any person detained in pursuance of this Schedule in a civil prison, as if he were a person sentenced by a court of the United Kingdom to imprisonment for the like term as the term of the sentence of the service court;
- (b) in relation to a person sentenced by a service court to any form of imprisonment and detained as aforesaid in any naval, military or air-force establishment, as if he were a person sentenced by a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, as the case may be, to imprisonment for the like term as the term of the sentence of the service court;
- (c) in relation to a person sentenced by a service court to detention and detained as aforesaid in any naval, military or air-force establishment, as if he were a person sentenced by a court-martial held in pursuance of the Naval Discipline Act, the Army Act, 1955, or the Air Force Act, 1955, as the case may be, to detention for the like term as the term of the sentence of the service court.

6.—(1) Section 186 of the Army Act, 1955 (which relates to the arrest of deserters and absentees without leave), shall in the Colony apply in relation to a person authorised to be detained in pursuance of this Schedule who is at large in circumstances which, in the case of a member of the home forces, would amount to illegal absence from those forces, as it applies in relation to an officer, warrant officer, non-commissioned officer or soldier of the regular forces who has deserted or is absent without leave.

(2) Sections 187, 188 and 190 of the Army Act, 1955 (which make provision as to the delivery into military custody of persons illegally absent from the regular forces), shall in the Colony apply as if any person authorised

to be detained in pursuance of this Schedule were a member of the regular forces illegally absent therefrom and, as so applying, shall have effect as if—

- (a) any reference to military custody included a reference to naval or air-force custody; and
- (b) in sub-section (3) of the said section 187 for the words from ‘and if satisfied’ to ‘absence without leave’ there were substituted the words ‘and if satisfied that he is a person authorised to be detained in pursuance of the Third Schedule to the Visiting Forces (Application of Law) Order, 1956.’”

Made at Nicosia, this 12th day of February, 1957.

**No. 120. THE BOMBARDMENT RANGE AREAS LAW.**  
CAP. 222 AND LAW 23 OF 1951.

NOTICE UNDER SECTION 2.

In exercise of the powers vested in him by section 2 of the Bombardment Range Areas Law, His Excellency the Governor hereby amends the notice published under Notification No. 803 in Supplement No. 3 to the *Gazette* of the 23rd August, 1956, as follows:—

By the substitution for paragraph (1) appearing under the heading “The Larnaca Bombardment Range Area” in the Schedule to the said notice of the following new paragraph:—

“(1) *Sea Danger Area*: The area bounded by a line drawn through the following positions on Admiralty Chart No. 851 of the 8th August, 1941:—

|          |           |
|----------|-----------|
| 34°51' N | 33°36' E  |
| 34°52' N | 33°38' E  |
| 34°51' N | 33°42' E  |
| 34°47' N | 33°38' E” |

Made this 12th day of February, 1957.

By Command of His Excellency the Governor,  
A. F. J. REDDAWAY,  
*Administrative Secretary.*

**No. 121. THE BOMBARDMENT RANGE AREAS LAW.**  
CAP. 222 AND LAW 23 OF 1951.

ORDER UNDER SECTION 2.

Whereas in exercise of the powers vested in him by section 2 of the Bombardment Range Areas Law, His Excellency the Governor, by Notification No. 803 dated the 18th day of August, 1956, and published in Supplement No. 3 to the *Gazette* of the 23rd August, 1956, as amended by Notification No. 120 dated the 12th day of February, 1957, and published in Supplement No. 3 to the *Gazette* of the 14th February, 1957, had declared certain areas therein enumerated, to be Bombardment Range Areas for the purposes of the aforesaid Law, for a period of six months from the 18th day of August, 1956;

And whereas it is desirable that the said period should be extended for a further period:

Now this is to declare that the aforesaid Notifications shall be in full force and effect until the 31st May, 1958.

Made this 12th day of February, 1957.

By Command of His Excellency the Governor,  
A. F. J. REDDAWAY,  
*Administrative Secretary.*