



Armed Forces Act 2011

2011 CHAPTER 18

Other amendments and repeals

24 Byelaws for service purposes

(1) In section 2 of the Military Lands Act 1900 (sea byelaws)—

- (a) in subsection (2), omit paragraph (b) of the proviso;
- (b) after subsection (2) insert—

“(2A) Before making any such byelaws the Secretary of State must—

- (a) take all reasonable steps to ascertain whether the byelaws would injuriously affect any public rights; and
- (b) be satisfied, in relation to every public right that the Secretary of State considers would be injuriously affected by the byelaws—

- (i) that a restriction of the right is required for the safety of the public or for the requirements of the military purpose for which the area to which the byelaws apply is used; and
- (ii) that the restriction of the right imposed by the byelaws is only to such extent as is reasonable in all the circumstances of the case.”;

- (c) omit subsection (3).

(2) In section 17(1) of the Military Lands Act 1892 (notice of byelaws), for the words from “necessary” to the end substitute “appropriate”.

25 Claims against visiting forces: transfer of liability

After section 9 of the Visiting Forces Act 1952 insert—

Status: This is the original version (as it was originally enacted).

“9A Claims against visiting forces: transfer of liability

- (1) This section applies where a claim is brought in a court in the United Kingdom against a country to which this section applies (“the country concerned”) and the claim is within subsection (2).
- (2) A claim is within this subsection if—
 - (a) it is a claim in tort;
 - (b) it arises—
 - (i) out of an act done by a member of a visiting force of the country concerned, or of a civilian component of such a force, in the performance of official duties; or
 - (ii) out of any other act or occurrence for which a visiting force of the country concerned, or a civilian component of such a force, is legally responsible;
 - (c) it is brought by a third party; and
 - (d) it is not an excluded claim.
- (3) Where this section applies the Secretary of State may, if requested to do so by the country concerned, make a declaration under this section.
- (4) A declaration under this section is a written declaration, signed by the Secretary of State, which—
 - (a) specifies the claim concerned and the matter to which it relates; and
 - (b) states that, with effect from a time specified in the declaration, any liability in tort of the country concerned in respect of that matter is transferred to the Ministry of Defence.
- (5) A declaration under this section has the effect that the liability mentioned in the declaration is transferred to the Ministry of Defence at the time specified in the declaration.
- (6) The Secretary of State must notify the country concerned and the claimant where a declaration under this section has been made.
- (7) Section 9 does not apply to a claim in respect of which liability has been transferred under this section.
- (8) In this section—

“act” includes an omission;

“the Agreement” means the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces, done in London on 19th June 1951;

“excluded claim” means a claim to which, by virtue of paragraph 5(h) of Article VIII of the Agreement (certain claims arising from ships and cargo), paragraph 5(a) of that Article does not apply;

“third party” means a person other than a member of a visiting force of the country concerned or of a civilian component of such a force;

“tort” includes delict.
- (9) It is immaterial for the purposes of this section whether the country concerned is the only defendant in relation to the claim mentioned in subsection (1).”

26 Judge advocates sitting in civilian courts

Schedule 2 (which makes provision enabling judge advocates to sit in the Crown Court and magistrates' courts) has effect.

27 Repeal of Naval Medical Compassionate Fund Act 1915

The Naval Medical Compassionate Fund Act 1915 ceases to have effect.

28 Call out of reserve forces

In section 56 of the Reserve Forces Act 1996 (call out for certain operations), after subsection (1) insert—

“(1A) Where—

- (a) work is approved in accordance with instructions issued by the Defence Council under the Defence (Armed Forces) Regulations 1939 as being urgent work of national importance, and
 - (b) the Defence Council have by order under those Regulations authorised members of any forces to be temporarily employed in such work,
- the Secretary of State may make an order authorising the calling out of members of a reserve force for the purposes of carrying out such work.”

29 Minor amendments of service legislation

Schedule 3 (minor amendments of service legislation) has effect.

30 Consequential amendments and repeals

- (1) Schedule 4 (consequential amendments) has effect.
- (2) Schedule 5 (repeals and revocations) has effect.