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STATUTORY INSTRUMENTS

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**2013 No. 540**

**DEFENCE**

**The Visiting Forces (Designation) Order 2013**

*Made - - - - 13th March 2013  
Coming into force in relation to each country specified  
in article 4 on the date determined in accordance with  
article 2*

It appears to Her Majesty that, having regard to the arrangements for defence co-operation to which the United Kingdom and the governments of the countries specified in article 4 of this Order are parties, section 9A of the Visiting Forces Act 1952(1) (“the 1952 Act”) should have effect in relation to those countries:

Accordingly, Her Majesty, on the advice of Her Privy Council and in exercise of the powers conferred on Her by section 1(2)(2) and 15(2) of the 1952 Act, makes the following Order:

1. This Order may be cited as the Visiting Forces (Designation) Order 2013 and shall come into force in accordance with the provisions of article 2.

2.—(1) In relation to Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, the Federal Republic of Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, the Kingdom of Spain, Sweden, Switzerland, Turkey, Ukraine, the United States of America and Uzbekistan, this Order shall come into force on 6th April 2013.

(2) In relation to each of Belarus, Russia, Serbia, Tajikistan and Turkmenistan, this Order shall come into force on whichever is the later of—

(a) the date on which the Government of that country becomes a party to the Agreement, dated 19th June 1995, made between the Member States of the North Atlantic Treaty Organisation and those other States which have accepted the invitation to take part in the Partnership for Peace(3); and

(b) the 6th April 2013.

(3) In relation to Ireland, this Order shall come into force on the later of—

(a) 6th April 2013; and

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(1) 1952 c. 67; section 9A was inserted by section 25 of the Armed Forces Act 2011 (c. 18).

(2) Section 1(2) was amended by section 33 of the Armed Forces Act 1996 (c. 46).

(3) Misc. No.12 (1996) Cm 3237.

- (b) whichever is the earlier of—
- (i) the date on which the Agreement referred to in article 2(4) enters into force in respect of the United Kingdom; and
  - (ii) the date on which the Government of Ireland becomes a party to the Agreement, dated 19th June 1995, made between the Member States of the North Atlantic Treaty Organisation and those other States which have accepted the invitation to take part in the Partnership for Peace.

(4) For the purposes of article 2(3), “the Agreement” means the Agreement between the Member States of the European Union concerning the status of the military and civilian staff seconded to the military staff of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Members States put at the disposal of the European Union to act in this context(4).

3. The date on which this Order comes into force in respect of Belarus, Ireland, Russia, Serbia, Tajikistan and Turkmenistan shall be notified in the London, Edinburgh and Belfast Gazettes.

4. Albania, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, the Federal Republic of Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Luxembourg, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Russia, Serbia, Slovakia, Slovenia, the Kingdom of Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, the United States of America and Uzbekistan are designated for the purposes of section 9A of the 1952 Act.

5. This Order shall not extend to any of the territories specified in section 15(3)(5) of the 1952 Act.

*Richard Tilbrook*  
Clerk of the Privy Council

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(4) OJ No C 321, 31.12.03, p6.

(5) Section 15(3) was amended by the British Nationality Act 1981 (c. 61), section 52(8) and Schedule 9.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 9A of the Visiting Forces Act 1952 (c. 67) makes provision for the transfer to the Ministry of Defence of liability in certain claims against visiting forces. With the exception of Canada and Malta, to which section 9A already applies, it is necessary to designate North Atlantic Treaty Organisation (NATO) member countries and States which have accepted the invitation of NATO to take part in the Partnership for Peace as countries to which section 9A applies. Article 4 of this Order designates the countries to which section 9A is to apply.

In relation to Albania, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, France, the Federal Republic of Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, the Kingdom of Spain, Turkey and the United States of America, this Order implements obligations imposed on the United Kingdom by the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, done in London on 19th June 1951.

In relation to Armenia, Austria, Azerbaijan, Belarus, Bosnia-Herzegovina, Finland, Georgia, Ireland, Kazakhstan, Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Russia, Serbia, Sweden, Switzerland, Tajikistan, Turkmenistan, Ukraine and Uzbekistan, this Order implements obligations imposed on the United Kingdom by the Agreement, dated 19th June 1995, made between the Member States of NATO and those other States which have accepted the invitation to take part in the Partnership for Peace (Miscellaneous No. 12 (1996), Cm 3237).

In relation to Ireland, this Order also implements obligations imposed on the United Kingdom by the European Union Status of Forces Agreement (also known as the EU SOFA) dated 17th November 2003, made between the Member States of the European Union.