

**CHAPTER 629**

**VISITING FORCES**

*Acts*  
Nos.31 of 1949,  
36 of 1950.

AN ACT TO MAKE PROVISION WITH RESPECT TO THE COMMAND AND DISCIPLINE  
AND OTHER MATTERS RELATING TO VISITING FORCES OF ANY FOREIGN  
POWER.

*[10th October. 1949.]*

Short title.

1. This Act may be cited as the Visiting Forces Act.

exercising jurisdiction by virtue of the laws of Sri Lanka and by witnesses appearing before such a court.

Application of Act.

2. (1) The succeeding provisions of this Act shall apply to, and in relation to, a visiting force if, and only so long as, an Order made by the President is in force declaring that those provisions shall apply to that visiting force.

(3) Where any sentence has, whether within or without Sri Lanka, been passed upon a member of a visiting force by a service court of the territory to which that visiting force belongs, then for the purposes of any legal proceedings within Sri Lanka the court shall be deemed to have been properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of that territory, and if executed according to the tenor thereof shall be deemed to have been lawfully executed, and any member of a visiting force who is detained in custody in pursuance of any such sentence, or pending the determination by a service court of the territory to which that visiting force belongs of a charge brought against him, shall, for the purposes of any such proceedings, be deemed to be in lawful custody.

(2) An Order under subsection (1) may declare that all the succeeding sections of this Act or any specified sections shall apply in relation to any visiting force.

(3) Every Order under subsection (1) shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified therein.

Discipline and internal administration of visiting forces.

3. (1) When a visiting force is present in Sri Lanka or is on board any ship or aircraft of the territory to which that visiting force belongs, it shall be lawful for the naval, military and air-force courts and authorities (hereinafter referred to as the "service courts" and "service authorities") of the territory to which that visiting force belongs to exercise within Sri Lanka, in relation to members of that visiting force in matters concerning discipline and in matters concerning internal administration of that visiting force, all such powers as are conferred upon them by the law of that territory.

(4) For the purposes of any legal proceedings referred to in subsection (3), a certificate under the hand of the officer commanding a visiting force that a member of that visiting force is being detained for either of the causes referred to in that subsection shall be conclusive evidence of the cause of his detention, but not of his being such a member, and a certificate under the hand of such an officer that the persons specified in the certificate sat as a service court of the territory to which that visiting force belongs shall be conclusive evidence of that fact.

(2) The members of any service court exercising jurisdiction by virtue of this Act, and witnesses appearing before such court shall enjoy the like immunities and privileges as are enjoyed by a service court

(5) No proceedings in respect of the pay, terms of service or discharge of a member of a visiting force shall be entertained by any civil court in Sri Lanka.

(6) For the purposes of enabling service courts and service authorities to exercise more effectively the powers conferred upon them by this section, the Minister, if so requested by the officer commanding a visiting force or by the Government of the territory to which that visiting force belongs, may, from time to time, by general or special order to any armed force of Sri Lanka direct the members thereof to arrest members of the visiting force alleged to have been guilty of offences against the law of that territory and to hand over any person so arrested to the appropriate authorities of that visiting force.

Powers as to armed forces of Sri Lanka may upon request be exercised as to visiting forces.

4. (1) The Minister may by order authorize any other Minister or any Government department or other person in Sri Lanka to perform, at the request of such authority or officer as may be specified in the order, but subject to such limitations as may be so specified, any function in relation to a visiting force and members thereof which such other Minister or department or person performs or could perform in relation to any armed force of Sri Lanka of like nature to the visiting force or in relation to members of any armed force of Sri Lanka; and for the purpose of the exercise of any such function, any power exercisable by virtue of any law by such other Minister or department or person in relation to any armed force of Sri Lanka or members thereof shall be exercisable by such other Minister, department or person in relation to the visiting forces and members thereof:

Provided that nothing in this subsection shall authorize any interference in matters relating to discipline or to the internal administration of the visiting force.

(2) If the Minister so provides, members of a visiting force, if sentenced, by a service court of the territory to which that visiting force belongs, to penal servitude, imprisonment or detention, may under the authority of the Minister, given at the request of the officer commanding that visiting force, be temporarily detained in custody in prisons or detention barracks in Sri Lanka, and if so sentenced to imprisonment may, under the like authority,

be imprisoned during the whole or any part of the terms of their sentences in prisons in Sri Lanka; and the Minister may by the same or a subsequent order make provision with respect to any of the following matters, that is to say, the reception of such persons from, and their return to, the service authorities concerned, their treatment while in such custody or while so imprisoned, the circumstances under which they are to be released, and the manner in which they are to be dealt with in the event of their unsoundness of mind while in such custody or while so imprisoned.

(3) Subject as hereinafter provided, any law in force in Sri Lanka which—

(a) exempts, or provides for the exemption of, any members of the armed forces of Sri Lanka or of any of those forces or any vessel, vehicle, aircraft, machine or apparatus of or employed for the purposes of those forces or any of them, from the operation of any law, or applies, or provides for the application of, any law in a modified form to or in relation to any such members, vessel, vehicle, aircraft, machine or apparatus; or

(b) in virtue of a connexion with the armed forces of Sri Lanka or any of them, confers a privilege or immunity on any persons; or

(c) in virtue of such a connexion, excepts any property, trade or business, in whole or in part, from the operation of any law or from any tax, rate, imposition, toll or charge; or

(d) imposes upon any person or undertaking obligations in relation to the armed forces of Sri Lanka or any of them, or any member or service court thereof; or

(e) penalizes misconduct by any person in relation to the armed forces of Sri Lanka or any of them, or any member or service court thereof,

shall, with any necessary modifications, apply in relation to a visiting force as it

would apply in relation to any armed force of Sri Lanka of a like nature to that visiting force:

Provided that the Minister may direct that any such law shall not apply, or that it shall apply either with such exceptions and subject to such adaptations or modifications as may be specified in the order.

(4) An order under this section may apply either generally or in relation to any particular visiting force or in relation to any particular place.

5. (1) Subject as provided in this section, the law in force in Sri Lanka relating to the arrest of deserters and absentees without leave shall apply in relation to a deserter or absentee without leave from any visiting force (including any member of a reserve or auxiliary force who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of the territory to which the visiting force belongs liable to the same punishment as a deserter, or to the same punishment as an absentee without leave), as they apply in relation to a deserter, or absentee without leave, from any armed force of Sri Lanka.

(2) No person who is alleged to be a deserter or absentee without leave from a visiting force shall be arrested or dealt with under this section except in compliance with a specific request from the Government of the territory to which that visiting force belongs, and a person so dealt with shall be handed over to the authorities of that territory at such place in Sri Lanka as may be agreed:

Provided that a person who is alleged to be a deserter or absentee without leave from a visiting force may also be arrested and dealt with under this section in compliance with a request, whether specific or general, from the officer commanding that visiting force, and shall, if that visiting force is still present in Sri Lanka, be handed over to the officer commanding that visiting force at the place where that visiting force is stationed.

(3) For the purposes of any proceedings under this section—

(a) a document purporting to be a certificate under the hand of the Minister or the Secretary to the

Ministry that a request has been made under subsection (2) of this section, shall be admissible without proof as evidence of such a request;

(b) a document purporting to be a certificate under the hand of the officer commanding any ship, unit or detachment of any visiting force that a specified person was at the date of the certificate a deserter, or absentee without leave, from that visiting force shall be admissible without proof of the facts so certified.

6. (1) The Minister or any person acting under his authority may attach temporarily to any armed force of Sri Lanka any member of a visiting force who is placed at his disposal for the purpose by the service authorities of the territory to which that visiting force belongs.

Attachment of personnel with mutual powers of command.

(2) Subject to anything to the contrary in the conditions applicable to the service of any member of any armed force of Sri Lanka, the President may place that member at the disposal of the service authorities of the territory to which a visiting force belongs for the purpose of being attached temporarily by those authorities to that visiting force.

(3) Whilst a member of a visiting force is by virtue of this section attached temporarily to any armed force of Sri Lanka, he shall be subject to the law relating to the appropriate armed force of Sri Lanka, in like manner as if he were a member of that armed force, and shall be treated and have the like powers of command and punishment over members of that armed force of Sri Lanka to which he is attached as if he were a member of that force of relative rank :

Provided, however, that the Minister may direct that, in relation to members of any visiting force who are so attached, the law relating to the armed forces of Sri Lanka shall apply with such exceptions and subject to such adaptations and modifications as may be specified by the Minister.

Deserters and absentees from visiting forces.

(4) When any armed force of Sri Lanka and a visiting force are serving together, whether alone or not—

(a) every member of the visiting force shall be treated and shall have over members of that armed force of Sri Lanka the like powers of command as if he were a member of that armed force of Sri Lanka of relative rank; and

(b) if the forces are acting in combination, any officer of the visiting force appointed by the President to command the combined force or any part thereof, shall be treated and shall have over members of that armed force of Sri Lanka the like powers of command and punishment, and may be invested with like authority to convene, and to confirm the findings and sentences of, courts martial as if he were an officer of that armed force of Sri Lanka of relative rank and holding the same command.

(5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if, and only if, they are declared to be so serving or so acting by order of the President, and the relative rank of members of that armed force of Sri Lanka and of the visiting forces shall be such as may be prescribed by regulations made under section 10.

Limitation of penalties.

7. Subject to any provision to the contrary which the President is hereby authorized by Order published in the Gazette to make in relation to any specified visiting force, nothing in this Act shall be construed to authorize a service court of any territory to impose on a member of a visiting force of that territory in respect of any offence any penalty exceeding the penalty to which a member of any of the armed forces of Sri Lanka would under the law of Sri Lanka be liable for a similar offence.

Saving for jurisdiction of civil courts.

8. (1) Nothing in the preceding provisions of this Act shall affect the jurisdiction of any civil court in Sri Lanka to try a member of any visiting force for any act or omission constituting an offence against the law of Sri Lanka.

(2) If a person sentenced by a service court to punishment for an offence is afterwards tried by any civil court in Sri Lanka in respect of any act or omission which constituted that offence, the civil court shall, in awarding punishment in respect of that act or omission, have regard to any punishment imposed on him by the said sentence.

(3) A service court shall not have jurisdiction by virtue of the preceding provisions of this Act to try any person for any act or omission constituting an offence for which he has been acquitted or convicted by any civil court in Sri Lanka.

9. (1) The President may, by Order published in the Gazette—

Visiting forces may maintain special police forces.

(a) authorize the officer commanding any visiting force to raise and maintain a special police force in Sri Lanka, and

(b) specify the establishments in respect of which that special police force is empowered to exercise police functions.

(2) Subject to such conditions and limitations as may be prescribed by regulations made under section 10, the organization, classification, training, discipline, remuneration, clothing, accoutrements and equipment of the members of a special police force raised under the authority of an Order under subsection (1) shall be such as may, from time to time, be determined by the officer commanding the visiting force or any officer authorized by him in that behalf.

(3) Every member of a special police force raised under the authority of an Order under subsection (1) shall, subject to such conditions and limitations as may be prescribed by regulations made under section 10, have within the limits of each establishment in respect of which that special police force is empowered to exercise police functions and in the immediate vicinity thereof, all the powers, protection and immunities conferred on a member of the Sri Lanka Police Force of corresponding rank by any written law for the time being in force.

(4) Regulations may be made under section 10 specifying the circumstances in which, the officers by whom, and the conditions and restrictions subject to which, punishments may be imposed on any member of a special police force in case of—

- (a) the neglect or refusal to obey any lawful order or direction given or issued to him in the course of his duties as such;
- (b) the commission of any act of misconduct in the performance of such duties; or
- (c) his desertion from that special police force.

(5) Any regulation referred to in this section may be made applicable to all special police forces or to any particular special police force specified in the regulation.

(6) The preceding provisions of this section and any regulation referred to in this section shall have effect notwithstanding anything to the contrary in any other written law.

**10.** (1) The Minister may, from time to time, make regulations not inconsistent with the provisions of this Act as may be necessary for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) Every regulation made by the Minister under this section shall be published in the Gazette and shall come into operation on the date on which it is so published.

(3) Every regulation made by the Minister under this section shall, as soon as practicable, be brought before Parliament by motion that such a regulation be approved.

(4) Every regulation which Parliament refuses to approve shall be deemed to be rescinded but without prejudice to anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be deemed to be rescinded shall be the date on which Parliament refuses to approve it.

(5) Notification of the date on which any regulation made by the Minister is deemed

to be rescinded shall be published in the Gazette.

**11.** In this Act unless the context otherwise requires—

" armed forces of Sri Lanka " means the Sri Lanka Army, Sri Lanka Navy and the Sri Lanka Air Force, and " Armed Force of Sri Lanka " means any one of the units of such armed forces and includes any body, contingent or detachment of any one of such units;

" civil court " means any court other than courts martial;

" court " includes a service court of inquiry and any officer of a visiting force who is empowered by the laws of the territory to which that visiting force belongs to review the proceedings of a service court, or to investigate charges or himself to dispose of charges, and the expression " sentence " shall be construed accordingly;

" forces " includes reserve and auxiliary forces;

" internal administration ", in relation to any visiting force, includes the administration of the property of a deceased member of the visiting force;

" member ", in relation to a visiting force, includes any person who is by the law of the territory to which the visiting force belongs subject to the naval, military or air-force law thereof, and who being a member of another force is attached to the visiting force, or being a civilian employed in connexion with the visiting force entered into his engagement outside Sri Lanka;

" the Minister " means the Minister in charge of the subject of Defence; and

" visiting force " means any body, contingent or detachment of the naval, military or air forces raised by any Government other than the Government of Sri Lanka, which is with the consent of the Government of Sri Lanka, lawfully present in Sri Lanka.