

No. 7256

JAMAICA
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

Exchange of notes (with appendix) constituting an agreement concerning the provision of personnel of the United Kingdom Armed Forces to assist in the staffing, administration and training of the Armed Forces in Jamaica. Kingston, 20 February 1964

Official text: English.

Registered by Jamaica on 5 June 1964.

JAMAÏQUE
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

Échange de notes (avec appendice) constituant un accord relatif à la fourniture de personnel des forces armées du Royaume-Uni pour aider à doter du personnel voulu les forces armées de la Jamaïque, à les administrer et à les former. Kingston, 20 février 1964

Texte officiel anglais.

Enregistré par la Jamaïque le 5 juin 1964.

No. 7256. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN JAMAICA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND CONCERNING THE PROVISION OF PERSONNEL OF THE UNITED KINGDOM ARMED FORCES TO ASSIST IN THE STAFFING, ADMINISTRATION AND TRAINING OF THE ARMED FORCES IN JAMAICA. KINGSTON, 20 FEBRUARY 1964

I

BRITISH HIGH COMMISSION
KINGSTON, JAMAICA

20th February, 1964

76/17/3

Sir,

I have the honour to refer to the discussions which have taken place between the representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica concerning the provision of personnel of the United Kingdom Armed Forces to assist in the staffing, administration and training of the Armed Forces of Jamaica.

In the course of these discussions it was agreed that the arrangements for the provision of such personnel should be those set out in the Appendix to this letter.

I have the honour to propose that, if these arrangements are acceptable to the Government of Jamaica, this letter, together with your reply to that effect, shall be regarded as constituting an Agreement in this matter between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Jamaica which shall be deemed to have entered into force on 1st December, 1963.

I have the honour to be, Sir,

Your most obedient, humble servant,

(Signed) A. F. MORLEY
High Commissioner

The Rt. Hon. Sir Alexander Bustamante, M.P.
Prime Minister and Minister of External Affairs

¹ Came into force on 1 December 1963, in accordance with the provisions of the said notes.

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DEFINITIONS

"Loaned Personnel" means personnel of the land, sea or air armed forces of the United Kingdom who are for the time being present within the Receiving State assisting in the staffing, administration and training of the armed forces of the Receiving State and "Loaned person" and "Loan" shall be construed accordingly.

"Dependant" of a Loaned person means

- (1) the spouse of that Loaned person, or
- (2) any person wholly or mainly maintained by, or in the custody or charge of, or who forms part of the family of that Loaned person, or

- (3) any other person (not being a national of nor ordinarily resident in the Receiving State) who is in domestic employment in the household of that Loaned person.

"United Kingdom Service Authorities" means the authorities of the United Kingdom empowered by the Law of the United Kingdom to exercise command or jurisdiction over the armed forces of the United Kingdom and their dependants.

"Service Regulations" means any Statute Order Regulation Warrant or Instruction relating to naval military or air forces.

"Unit" includes a headquarters, ship or establishment.

"the Receiving State" means Jamaica.

"Other ranks" includes all personnel of any of the United Kingdom Armed Forces who do not hold a commissioned rank.

"Entitled Dependants" means the spouse of a member of the Loaned Personnel and his dependants for whom the United Kingdom Government or, in the case of personnel serving with the Armed Forces of the Receiving State on 20th February, 1964, the Receiving State have provided or will provide a free passage to or from the Receiving State.

Section I

COMPOSITION

The Government of the United Kingdom will endeavour to obtain volunteers from the land, sea and air forces of the United Kingdom for Loan to the Armed Forces of the Receiving State in such numbers as shall from time to time be agreed between the Receiving State and the Government of the United Kingdom.

Section II

STATUS

1. Relationship with the Armed Forces of the Receiving State

(a) Loaned Personnel shall be treated except in so far as this Appendix otherwise provides as members of the Armed Forces of the Receiving State of equivalent rank.

(b) A Loaned Person shall, in particular, have powers of command over any member of the Armed Forces of the Receiving State as if he were a member of the Armed Forces of the Receiving State of relative rank and will be required to obey orders or instructions of superior officers under whose command he is placed provided that such orders or instructions are consistent with his duties under United Kingdom Service Regulations, and would if given by anyone subject to those regulations constitute a lawful command under those regulations.

(c) Loaned Personnel shall not be subject to the Service Regulations of the Receiving State nor to the jurisdiction of any authority, court or tribunal deriving its constitution or powers under the Service Regulations of the Receiving State.

(d) Loaned Personnel and their dependants shall not be subject to any legislation in the Receiving State relating to liability for compulsory service of any kind.

(e) Married Loaned Personnel will normally be accompanied by their wives and other dependants, subject to prior consultation between the Receiving State and the Senior United Kingdom officer of the Service of the United Kingdom Armed Forces to which the individual belongs.

2. *Jurisdiction*

(a) Subject to the provisions of this paragraph—

- (i) the service authorities of the United Kingdom shall have the right to exercise within the Receiving State or on board any ship or aircraft of the Receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the United Kingdom over Loaned Personnel and their dependants ;
- (ii) the courts of the Receiving State shall have jurisdiction over Loaned Personnel and their dependants with respect to offences committed in the Receiving State and punishable by the law of the Receiving State.

(b) Where both the courts of the Receiving State and the United Kingdom service authorities have the right to exercise jurisdiction the United Kingdom service authorities shall have the primary right to exercise jurisdiction if—

- (i) the offence is an offence against the property or security of the United Kingdom, or against the property or person of another Loaned Person or a dependant of a Loaned Person, or
- (ii) the offence arises out of an act or omission done in the course of official duty.

In any other case the Courts of the Receiving State shall have the primary right to exercise jurisdiction. If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance and in cases of minor offences where the Courts of the Receiving State have the primary right and where the United Kingdom Service Authorities can impose a suitable punishment by disciplinary action without recourse to a court.

(c) (i) The authorities of the Receiving State and the United Kingdom shall assist each other in the arrest of Loaned Personnel or their dependants in the territory of the Receiving State for the purpose of handing them over to the authority which is to exercise jurisdiction in accordance with above provisions ;

(ii) The authorities of the Receiving State shall notify the High Commissioner promptly of the arrest of a Loaned Person, or his dependants ;

(iii) The authorities of the United Kingdom, if the courts of the Receiving State are to exercise jurisdiction over a Loaned Person or his dependants, shall have the right to take custody of him until he is brought to trial by the courts of the Receiving State :