

No. 7538

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
CANADA**

**Exchange of notes (with annex) constituting an agreement
on arrangements regarding the status of Canadian
forces in Bermuda. London, 11 September 1964**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
13 January 1965.*

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

**Échange de notes (avec annexe) constituant un accord relatif
au statut des forces canadiennes aux Bermudes. Lon-
dres, 11 septembre 1964**

Texte officiel anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 13 jan-
vier 1965.*

No. 7538. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF CANADA ON ARRANGEMENTS REGARDING THE STATUS OF CANADIAN FORCES IN BERMUDA. LONDON, 11 SEPTEMBER 1964

I

The High Commissioner for Canada to the Secretary of State for Commonwealth Relations

London, September 11, 1964

Sir,

I have the honour to refer to discussions which have taken place between Canadian and British officials concerning the status of Canadian Forces in Bermuda and to propose on behalf of the Government of Canada that the arrangements set out in the Annex to this Note shall regulate that status.

I also propose that any amendments to the Annex that may be required from time to time shall be made by an Exchange of Notes between the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland.

If these proposals are acceptable to the United Kingdom Government, I have the honour to propose that this Note, together with the Annex, and your reply to that effect shall constitute an Agreement between our two Governments, with effect from the date of your reply, which shall remain in force until six months after either side has given written notice of termination.

Accept, Sir, the renewed assurances of my highest consideration.

Lionel CHEVRIER

¹ Came into force on 11 September 1964 by the exchange of the said notes.

A N N E X

ARRANGEMENTS REGARDING THE STATUS OF CANADIAN FORCES IN
BERMUDA*Article I*

DEFINITIONS

In these Arrangements

- (a) "Canadian visiting force" means any element of the Canadian Forces present in the territory of Bermuda ;
- (b) "member" means any officer or man of the Canadian Forces present in Bermuda in connection with official duties, and includes any civilian person in the employ of, and who accompanies, the Canadian visiting force except civilian employees who are normally resident in Bermuda at the time they enter the employ of the Canadian visiting force or who possess Bermudian status under provisions of the Bermuda Immigration and Protection Act, 1956 ;
- (c) "dependent" means a person who is a wife, child or other relative of, and who accompanies and is dependent for support on, a member ;
- (d) "Canadian service authorities" means the service authorities and service courts of Canada that are empowered by the law of Canada to enforce Canadian service law ;
- (e) "service authorities" means naval, military or air force authorities ;
- (f) "service court" means a court established under service law ;
- (g) "service law" means the law governing all or any of the Canadian Forces.

Article II

VISITING FORCE

2. The Governments of the United Kingdom and Bermuda consent to the presence in Bermuda of the Canadian visiting force consisting of such elements as are set out in the Schedule hereto.

Article III

FACILITIES AND SERVICES

3. Requirements of the Canadian visiting force for land, accommodation, frequencies, power, construction, repair, maintenance, and for procurement in Bermuda of other goods, materials and services shall be satisfied as agreed with the appropriate Bermudian authorities.

4. The Government of Canada may make arrangements with authorities of the United Kingdom or the United States for the occupancy or use of accommodation, material, or services of the United States or United Kingdom forces in Bermuda.

5. The Government of Canada may at any time while these Arrangements are in force, or within a reasonable time thereafter, remove from Bermuda movable improvements placed by or on behalf of Canada in Bermuda.

Article IV

RESPECT FOR LOCAL LAW

6. It is the duty of the Canadian visiting force and members to respect the law of Bermuda. It is also the duty of the Canadian service authorities to take necessary measures to that end.

Article V

JURISDICTION

7. (1) Except in respect of offences mentioned in (3) of this paragraph, the civil courts of Bermuda shall have the primary right to exercise jurisdiction in respect of any act or omission constituting an offence against any law in force in Bermuda alleged to have been committed by a member or dependent.

(2) Subject to the provisions of this Article, the Canadian service authorities may exercise within Bermuda in relation to members and dependents all the criminal and disciplinary jurisdiction that is conferred upon them by the law of Canada.

(3) With respect to the trial of a member for any offence respecting

(a) the property or security of Canada ;

(b) the person or property of another member or dependent ; or

(c) an act done or anything omitted in the performance of official duty

the Canadian service authorities have the primary right to exercise jurisdiction where, under the law of Canada, Canadian service authorities have power to exercise such jurisdiction within Bermuda.

(4) Where a member or dependent has been tried by a civil court of Bermuda and has been convicted or acquitted, he may not be tried again within Bermuda for the same offence by the Canadian service authorities, but nothing in this sub-paragraph prevents the Canadian service authorities from trying within Bermuda a member for any violation of rules of discipline arising from an act or omission that constituted an offence for which he was tried by the civil court.

(5) Where a member or dependent has been tried by the Canadian service authorities and has been convicted or acquitted, he may not be tried again by a civil court of Bermuda for the same offence.

(6) Where under (1) or (3) of this paragraph a civil court of Bermuda or a service court of Canada has the primary right to exercise jurisdiction, the court having such primary right shall deal with charges against alleged offenders in the first instance unless such right is waived by the appropriate authority in favour of trial in the other court.