

No. 8621

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

**Agreement regarding the status of Her Majesty's forces in
Guyana. Signed at Georgetown, on 26 May 1966**

Official text : English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 1 May 1967.

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

**Accord concernant le statut des forces de Sa Majesté britan-
nique en Guyane. Signé à Georgetown, le 26 mai 1966**

Texte officiel anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 1^{er} mai 1967.

No. 8621. AGREEMENT¹ BETWEEN HER MAJESTY'S GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF GUYANA REGARDING THE STATUS OF HER MAJESTY'S FORCES IN GUYANA. SIGNED AT GEORGETOWN, ON 26 MAY 1966

1. DEFINITIONS

For the purposes of this Agreement :

"Authorised Service Organisation" means a non-profit-making organisation authorised by the United Kingdom service authorities to accompany the British Forces in Guyana in order to provide for the needs of those forces, civilian component and dependants ;

"The British Forces in Guyana" means the personnel of the armed forces of the United Kingdom who are for the time being present within Guyana but does not include Loaned Personnel ;

"Civilian component" means the civilian personnel accompanying the British Forces in Guyana who are employed by departments or authorities of the Government of the United Kingdom which have functions relating to the Armed Forces or by an Authorised Service Organisation accompanying the British Forces in Guyana and who are not stateless persons nor nationals of, nor ordinarily resident in, Guyana ;

"Dependant" means—

- (a) the spouse of a member of the British Forces in Guyana or civilian component ;
- (b) any person wholly or mainly maintained by, or in the custody or charge of or who forms part of the family of, such member ;
- (c) any other person (not being a national of nor ordinarily resident in Guyana) who is in domestic employment in the household of such member ;

"Loaned Personnel" means personnel of the armed forces of The United Kingdom loaned for service in the Guyana Defence Force under arrangements concluded between the United Kingdom Service Authorities and the Government of Guyana ;

¹ Came into force on 26 May 1966 upon signature.

"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, civilian component and dependants.

2. COMPOSITION

The British Forces in Guyana may be accompanied by a civilian component and dependants and by such Authorised Service Organisations operating under the general direction of the British Forces in Guyana as are designated by the United Kingdom Service Authorities as necessary for the welfare and recreational needs or military requirements of the British Forces in Guyana.

3. JURISDICTION

(1) Subject to the provisions of this paragraph—

- (a) the United Kingdom Service Authorities shall have the right to exercise within Guyana all criminal and disciplinary jurisdiction conferred on them by the law of the United Kingdom over members of the British Forces in Guyana and civilian component and dependants ; and
- (b) the courts of Guyana shall have jurisdiction over members of the British Forces in Guyana and civilian component and dependants with respect to offences committed in Guyana and punishable by the law of Guyana.

(2) Where both the courts of Guyana 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—

- (a) the offence arises out of, and in the course of, the performance of duty as a member of the British Forces or civilian component ; or
- (b) the offence is an offence against—
 - (i) the security of the United Kingdom ;
 - (ii) the property of the Government of the United Kingdom ;
 - (iii) the property or person of another member of the British Forces in Guyana, civilian component, dependants, or Loaned Personnel or dependants of Loaned Personnel ;

In any other case the Courts of Guyana shall have the primary right to exercise jurisdiction. If the party having the primary right under this Agreement decides not to exercise jurisdiction, it shall notify the authorities of the other party as soon as practicable. The authorities of the party having the primary right shall give sympathetic consideration to a request from the authorities of the other party for a waiver of its right in cases where that other party considers such waiver to be of particular importance and in cases of minor offences where the Courts of Guyana have the

primary right and where the United Kingdom Service Authorities can impose a punishment by disciplinary action without recourse to a court.

(3) (a) The authorities of Guyana and the United Kingdom Service Authorities will assist each other in the arrest of members of the British Forces in Guyana or civilian component or dependants in the territory of Guyana for the purpose of handing them over to the authority which is to exercise jurisdiction in accordance with the provisions of this paragraph ; in particular, the authorities of Guyana will assist in the arrest of members of the British Forces in Guyana who are deserters or absentees from such forces irrespective of the nationality, ordinary residence or domicile of such members.

(b) The authorities of Guyana will notify the United Kingdom Service Authorities promptly of the arrest of a member of the British Forces in Guyana or civilian component, or his dependants.

(c) If the courts of Guyana are to exercise jurisdiction over a member of the British Forces in Guyana or civilian component or dependant, the United Kingdom Service Authorities shall have the right to take custody of him until he is brought to trial by the courts of Guyana and, in any such case the United Kingdom Service Authorities will present him to those courts for investigatory proceedings and trial when required.

(4) (a) The authorities of Guyana and the United Kingdom Service Authorities will assist each other in the investigation and obtaining of evidence in relation to offences.

(b) The authorities of Guyana and the United Kingdom Service Authorities will notify each other of the disposition of all cases in which both the courts of Guyana and the United Kingdom Service Authorities have the right to exercise jurisdiction.

(5) Where a person has been tried in accordance with the provisions of this paragraph by the United Kingdom Service Authorities or the Courts of Guyana and has been convicted or acquitted (which expression includes a complaint found to disclose no offence or a charge which has been dismissed by the Commanding officer of such person after investigation) he may not be tried again for the same offence or in respect of the same circumstances within Guyana by either, so however, that the provisions of this sub-paragraph shall not have effect so as to prevent the United Kingdom service Authorities from trying a member of the British Forces in Guyana for any violation of rules of discipline which appear to have taken place as part of, or in connection with, an offence for which he was tried by the Courts of Guyana.

(6) Whenever a member of the British Forces in Guyana or civilian component or a dependant is prosecuted under the jurisdiction of Guyana, he shall be entitled—