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**(5) Military Courts-Martial**

**THE VISITING FORCES (MILITARY COURTS-MARTIAL)  
ORDER, 1942.**

**1942 No. 270**

At the Court at Buckingham Palace, the 9th day of February, 1942.

PRESENT,

The King's Most Excellent Majesty in Council.

23 Geo. 5. c. 6. Whereas under Section 4 of the Visiting Forces (British Commonwealth) Act, 1933, the Army Council may attach temporarily to a home force any member of the military or air forces of His Majesty raised in the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa who is placed at their disposal for the purpose by the Service Authorities of those Dominions and any such member so attached is subject to military law as an officer or soldier in like manner, and is treated and has the like powers of command and punishment over members of the home force to which he is attached, as if he were a member of that force of relative rank: And His Majesty may by Order in Council direct that in relation to such members the Army Act shall apply with such exceptions and subject to such adaptations and modifications as may be specified in the Order:

And whereas it is deemed expedient that in relation to members of the military and air forces of His Majesty raised in the Commonwealth of Australia, the Dominion of New Zealand and the Union of South Africa who by virtue of the said section are attached temporarily to His Majesty's military forces raised in the United Kingdom the application of the Army Act shall be subject to such exception, adaptation and modification as is hereinafter in this order specified:

Now, therefore, His Majesty, by virtue and in exercise of the power so vested in Him is pleased, by and with the advice of His Privy Council to make the following Order:—

1. Notwithstanding any provision of the Army Act, whenever a member of the military or air forces of His Majesty raised in the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa, is to be tried by court-martial held under that

Act, an officer of the force to which the accused belongs, having the requisite rank and service, shall, if available, be appointed a member of such court-martial. Provided that if such an officer having the requisite rank and service be not available, then such an officer not having the requisite rank and service shall, if available, be so appointed; and if no officer of the force to which the accused belongs be available, then there shall be so appointed, if available, an officer, whether he has the requisite rank and service or not, of a military or air force other than that to which the accused belongs raised in that Dominion.

2. Notwithstanding any provision in the Army Act, no sentence of death passed by a court-martial held under the Army Act on any member of the military or air forces of His Majesty raised in the Commonwealth of Australia, the Dominion of New Zealand or the Union of South Africa who by virtue of Section 4 of the Visiting Forces (British Commonwealth) Act, 1933, is attached temporarily to His Majesty's military forces raised in the United Kingdom shall be carried into effect unless the infliction of that punishment is approved by the Governor-General in Council of the Dominion in which was raised the force to which the member so sentenced belongs.

3. This Order may be cited as the Visiting Forces (Military Courts-Martial) Order, 1942.

*Rupert B. Howorth.*

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