

SINGAPORE



Treaty Series No. 94 (1973)

Exchange of Letters

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Singapore

concerning the Provision
of Personnel of the United Kingdom
Armed Forces to assist in the Staffing,
Administration and Training of the
Singapore Armed Forces

Singapore, 7 September 1970

[The Agreement entered into force on 7 September 1970]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1973*

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**EXCHANGE OF LETTERS
BETWEEN THE GOVERNMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND AND THE GOVERNMENT OF SINGAPORE
CONCERNING THE PROVISION OF PERSONNEL OF THE
UNITED KINGDOM ARMED FORCES TO ASSIST
IN THE STAFFING, ADMINISTRATION AND
TRAINING OF THE SINGAPORE ARMED FORCES**

No. 1

*The United Kingdom High Commissioner at Singapore to the
Permanent Secretary of the Ministry of Defence of Singapore*

*British High Commission,
Singapore 10*

7th September, 1970.

My dear Permanent Secretary,

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

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 Singapore, this Letter, together with its Appendix, and 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 Singapore, which shall enter into force on today's date.

Yours sincerely,

ARTHUR DE LA MARE

High Commissioner

APPENDIX

Definitions

1. "Court of Singapore" means any Court in Singapore other than a Service Court;

"dependant" in relation to a member of Loan Personnel, means a person not ordinarily resident in Singapore who is:

- (a) the spouse of any such member; or
- (b) wholly or mainly maintained or employed by any such member; or
- (c) in the custody, charge or care, or who forms part of the family of any such member;

"United Kingdom Service Authorities" means the authorities empowered by the law of the United Kingdom to exercise command or jurisdiction over or administration of members of the Armed Forces of the United Kingdom including Loan Personnel or their dependants;

"Service Court" means a court established under the service law and includes any authority of a country which under the law thereof is empowered to review the proceedings of such court or to try or investigate charges brought against persons subject to the service law of that country;

"Service law" in relation to a country, means any Statute, Order, Regulation, Warrant or Instruction governing all or any of the naval, military or air forces of that country.

Composition

2. Personnel of the naval, military and air forces of the United Kingdom for the time being provided to assist in the staffing, administration and training of the Armed Forces of Singapore are in this Agreement hereinafter referred to as "Loan Personnel" and in this Agreement "loan" shall be construed accordingly.

Relationship with the Armed Services of Singapore

- 3. (a) Members of Loan Personnel shall be treated, except insofar as this Agreement otherwise provides, as members of the Armed Forces of Singapore of equivalent rank.
- (b) Members of Loan Personnel shall in particular, have over members of the Armed Forces of Singapore the like powers of command as if they were members of the Armed Forces of Singapore of relative rank and shall be required to obey the commands of superior officers under whose command they are placed provided that such commands are consistent with their obligations under United Kingdom Service Law and would, if given by a person subject to that Law, constitute a lawful command under it, but shall not be subject to the Service Law of Singapore or to the jurisdiction of any Service Court of Singapore.

- (c) Members of Loan Personnel and their dependants shall not be subject to any legislation in Singapore relating to compulsory service of any kind.
- (d) Members of Loan Personnel shall not take part in hostilities or other operations of a warlike nature undertaken by the Armed Forces of Singapore nor, without the prior consent of the Government of the United Kingdom, in any operation of those forces which are concerned with the preservation of peace, with internal security or with the enforcement of law and order.

Withdrawal

4. The Government of the United Kingdom may withdraw all or any members of Loan Personnel after consultation with the Government of Singapore.

Cost

5. The cost of the provision of Loan Personnel and their conditions of service shall be the subject of arrangements between the Government of the United Kingdom and the Government of Singapore from time to time while this Agreement remains in force.

Jurisdiction

6. (a) Subject to the provisions of this paragraph—

- (i) the United Kingdom Service Authorities shall have the right to exercise within Singapore or on board any ship or aircraft belonging to the Government of Singapore all criminal and disciplinary jurisdiction conferred on them by the law of the United Kingdom over Loan Personnel and their dependants;
- (ii) the Courts of Singapore shall have jurisdiction over Loan Personnel and their dependants with respect to offences committed in Singapore or on board any ship or aircraft belonging to the Government of Singapore and punishable by the law of Singapore.

(b) Where both the Courts of Singapore 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 member of Loan Personnel or a dependant of such member; or
- (ii) the offence arises out of an act or omission done in the course of official duty as a member of Loan Personnel. In any other case the Courts of Singapore 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 Singapore 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 each Government shall assist each other in the arrest of Loan Personnel or their dependants in the territory of Singapore for the purpose of handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions;
 - (ii) the authorities of Singapore shall notify the United Kingdom High Commissioner promptly of the arrest of any member of Loan Personnel or dependants of such member;
 - (iii) the authorities of the United Kingdom, if the Courts of Singapore are to exercise jurisdiction over any member of Loan Personnel or dependants of such member, shall have the right to take custody of him until he is brought to trial by the Courts of Singapore, provided that the authorities of the United Kingdom undertake to present him to those Courts for investigatory proceedings and trial when required.
- (d) (i) The authorities of Singapore and of the United Kingdom shall assist each other in the investigation and obtaining of evidence in relation to offences;
- (ii) the authorities of Singapore and of the United Kingdom shall notify each other of the disposition of all cases in which both the Courts of Singapore and the United Kingdom Service Authorities have the right to exercise jurisdiction.
- (e) Where an accused has been tried in accordance with the provisions of this paragraph by the United Kingdom Service Authorities or the Courts of Singapore and has been convicted or acquitted, which expression includes a charge being dismissed by the Commanding Officer of the accused after investigation, he may not be tried again for the same offence or in respect of the same circumstances within Singapore by either. This sub-paragraph shall not prevent the United Kingdom Service Authorities from trying any member of Loan Personnel for any violation of rules or discipline arising from an act or omission which constituted an offence for which he was tried by the Courts of Singapore.
- (f) Whenever any member of Loan Personnel or dependant of such member is prosecuted under the jurisdiction of Singapore, he shall be entitled—
- (i) to a prompt and speedy trial;
 - (ii) to be informed a reasonable time in advance of trial of the specific charge or charges made against him;

- (iii) to be confronted with the witnesses against him;
 - (iv) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of Singapore;
 - (v) to have legal representation of his own choice for his defence, or to have free or assisted legal representation under the conditions prevailing for the time being in Singapore;
 - (vi) if he considers it necessary, to have the services of a competent interpreter; and
 - (vii) to communicate with a representative of the Government of the United Kingdom and, when the rules of the Court permit, to have a representative of that Government present at his trial.
- (g) A death sentence shall not be carried out in Singapore by the United Kingdom Service Authorities if the law of Singapore does not provide for such punishment in a similar case.

Claims

7. (a) (i) The Government of Singapore shall waive any claim which it may have against Loan Personnel and the Government of the United Kingdom for damage to any property of the Government of Singapore caused by any member of Loan Personnel in the course of his service in that capacity or for the death of or injury to any member of the Armed Forces of Singapore so caused;
- (ii) the Government of the United Kingdom shall waive any claim which it may have against the Government of Singapore for the death of or injury to a loan person caused by a member of the Armed Forces of Singapore in the course of his service in that capacity.
- (b) All claims arising out of acts or omissions of Loan Personnel done or omitted in the course of the performance of their duties as such shall be dealt with by the Government of Singapore (or in the case of claims brought or made in the United Kingdom by the Government of the United Kingdom) and in all cases settled at the cost of the Government of Singapore.

Immunities

8. Members of Loan Personnel shall be granted the same immunities and privileges and accorded the same benefits and facilities as are, at the date of signature of this Agreement, granted and accorded to other members of the United Kingdom Armed Forces in Singapore.

Duration

9. This Agreement shall come into force on the date of signature and shall remain in force until notice is given of termination by either Government to the other, whereupon this Agreement shall forthwith terminate, except any provisions thereof relating to jurisdiction, the indemnities afforded by the Government of Singapore, the treatment of claims and the financial obligations of either Government, which provisions shall remain in force.

No. 2

*The Permanent Secretary of the Ministry of Defence of Singapore to the
United Kingdom High Commissioner at Singapore*

*Ministry of the Interior and Defence,
Singapore 2.*

My dear High Commissioner,

7th September, 1970.

I refer to your letter of today's date concerning the provision of United Kingdom personnel to assist in the staffing, administration and training of the Armed Forces of Singapore, which reads as follows:

[As in No. 1]

2. A copy of the Appendix to your letter is attached to this reply.

3. In reply I confirm that your Letter, together with its Appendix and this reply, shall be regarded as constituting an Agreement in this matter between our two Governments.

Yours sincerely,

PANG TEE POW.

*Permanent Secretary
Ministry of Defence,
Singapore.*

[Appendix as in No. 1]