

Texts composing the arrangements between His Majesty's Government in the United Kingdom and the Royal Norwegian Government in respect of the Norwegian Armed Forces in the United Kingdom.

I. - Agreement of the 28th May, 1941, between His Majesty's Government in the United Kingdom and the Royal Norwegian Government concerning the organization and employment of the Norwegian Armed Forces in the United Kingdom and two explanatory notes forming part of the Agreement: -

(a) Main Agreement and four Appendices relating to Land, Naval and Air Forces and Jurisdiction respectively.

(b) Note from the Secretary of State for Foreign Affairs to the Norwegian Foreign Minister explaining the manner in which His Majesty's Government in the United Kingdom intend to interpret certain clauses in Appendix II relating to Norwegian Naval Forces.

(c) Note from the Secretary of State for Foreign Affairs to the Norwegian Foreign Minister explaining the attitude of His Majesty's Government in the United Kingdom in regard to offences committed on board Norwegian Warships.

II. - Correspondence connected with the Norwegian Forces Agreement of the 28th May 1941, but not forming part of the Agreement itself:-

(a) Exchange of letters between Mr. Strang and the Norwegian Minister in London regarding the procedure for the reference to the appropriate British authority of sentence of death passed by Norwegian military courts.

(b) Letter from Mr. Strang to the Norwegian Minister in London explaining the Procedure proposed by His Majesty's Treasury for the examination of accounts to the Royal Norwegian Government in connection with the Norwegian Forces.

(c) Letter from Air Commodore Boyle to the Officer Commanding the Norwegian Air Forces explaining the manner in which the British Air Ministry propose to interpret the clauses regarding jurisdiction over the personnel of the Norwegian Air Forces in Appendix IV of the Agreement.

I (a) Agreement between the Government of the United Kingdom and the Royal Norwegian Government concerning the Organization and Employment of the Norwegian Armed Forces in the United Kingdom.

The Government of Norway and the Government of the United Kingdom of Great Britain and Northern Ireland, Affirming their determination to prosecute the war to a successful conclusion, Agreeing that one of the objects of the war is the re-establishment of the freedom and independence of Norway through its complete liberation from German domination.

Recognizing the importance in their common interest for maintaining the armed forces of Norway, and desiring to establish the principles on which these forces will be organized for co-operation with the Allied Armed Forces, have agreed as follows: -

Article 1.

The Norwegian Armed Forces in The United Kingdom (comprising Land, Sea and Air Forces) shall be employed either for the defence of the United Kingdom or for the purpose of regaining Norway. They shall be organized and employed under British Command, in its character as the Allied High Command, as the Armed Forces of the Kingdom of Norway allied with the United Kingdom.

Article 2.

The Norwegian Land Forces shall be reconstituted in the United Kingdom in accordance with the conditions laid down in Appendix I of the present Agreement.

Article 3.

Units of the Norwegian Navy shall be employed

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Article 3.

Norwegian Navy shall be employed with the British Navy in accordance with the conditions laid down in Appendix II of the present Agreement.

Article 4.

Units of the Norwegian Air Forces shall be organized to operate with the British Air Force as provided in Appendix III of the present Agreement.

Article 5.

Jurisdiction over the personnel of the Norwegian Armed Forces shall be exercised in accordance with the provisions of Appendix IV of the present Agreement.

Article 6.

1) The Norwegian Armed Forces shall be equipped, paid and maintained at the expense of the Norwegian Government.

(2) Subject to any specific condition to the contrary in the Appendices of the present Agreement, any costs incurred by the British authorities in connection with the application of the present Agreement shall on demand be reimbursed by the Norwegian Government to the Government of the United Kingdom.

In witness whereof the undersigned, duly authorized for this purpose by respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done in duplicate in London the 28th day of May 1941, in the english language. A Norwegian text shall subsequently be agreed upon between the contracting Governments, and both texts shall then be equally authentic.

(s) Trygve Lie

(s) Anthony Eden

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Appendix I

Relating to the Norwegian Land Forces.

(1) The Norwegian Land Forces will consist of the Norwegian troops now in the United Kingdom, and such units as may be transferred to the United Kingdom from overseas.

(2) The following Articles refer to these Land Forces, which will include the necessary auxiliary and ancilliary services, headquarters staffs, and formations.

(3) The numbers of units and formations will depend upon the personnel and equipment available now and in the future.

Article 2.

(1) The Norwegian Land Forces shall, as far as possible, retain the character of a Norwegian Force in respect of personnel, particularly as regards discipline, language, promotion and duties.

(2) The Norwegian Land Forces will be completed by calling up Norwegian subjects and by drafting of volunteers.

Article 3.

(1) Norwegian Units and formations shall be commanded by Norwegian officers. British organization shall be adopted, but Norwegian regimental colours, and all distinctions of rank and badges of the Norwegian Army may be retained.

(2) The Norwegian Land Forces shall be under British Command, in its character as the Allied High Command, which may place units or formations under the Commander of a superior British formation. It is understood that the Norwegian Land Forces will, as far as possible, be used as one unit

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Article 4.

The Government of the United Kingdom agree to complete the arms and equipment of the Norwegian Land Forces to the agreed scale as soon as practicable.

Article 5.

The British military authorities shall attach a suitable number of officers and non-commissioned officers of the British Army as instructors to the Norwegian Land Forces for the period of their instruction; and to assist in familiarizing the Norwegian cadres with British material.

Appendix II
Relating to the Norwegian
Naval Forces.

Units of the Norwegian Navy, the details of which shall be agreed upon between the British and Norwegian naval authorities, shall be attached to the British Navy and be under the operational control of the British naval authorities. Any other units which may be operating under the direction of the Norwegian naval authorities shall co-operate with the British Navy as circumstances permit in action against the common enemy.

Article 2.

All units of the Norwegian Navy, under the command of Norwegian officers and manned by Norwegian crews, shall operate under the Norwegian flag. The Norwegian authorities shall be responsible for maintaining and replacing the personnel of their vessels. The British authorities shall render all possible assistance in the mobilization and training of Norwegian naval reservists.

Article 3.

The internal administration of all Norwegian vessels and their personnel shall remain the responsibility of the Norwegian naval authority, but vessels attached to the British Navy and placed under the operational control of the British ~~XXXXXXXXXX~~ naval authorities shall act under the orders of the British Commanders of the units to which they are attached.

Article 4.

At the request of the Norwegian authorities or the Commanders of Norwegian vessels the British naval authorities shall meet the requirements of the Norwegian vessels for fuel, stores, victuals &c., and shall arrange for Norwegian vessels to be repaired or refitted as may be necessary.

Article 5.

Unless otherwise stipulated in special cases, the following conditions shall govern the loan by the Government of the United Kingdom to the Government of Norway of any British warships which may be incorporated in the Norwegian Navy: -

- (i) The British Admiralty and the Commander-in-Chief, Norwegian Navy, will agree upon the British war-vessels to be lent for incorporation in the Norwegian Navy.
- (ii) The vessels to be so lent shall be handed over free of any charge in good sea going condition. They shall be in all respects complete with armaments and fuel, and with normal stocks of ammunition and naval, medical and victualling stores.
- (iii) All costs of maintenance of the vessels after their incorporation in the Norwegian Navy, including cost of fuel, stores, ammunition, &c., cost of refit, repairs and upkeep, and pay of personnel, shall be defrayed from Norwegian funds.

(iv) Vessels on loan and incorporated in the Norwegian Navy shall be maintained, at the expense of Norwegian funds, at the same standard of efficiency as corresponding vessels of the British Navy. Any alteration or addition approved by the British Admiralty for incorporation in a class of vessels of which one has been included in the Norwegian Navy shall be carried out in that vessel, as if the vessel still formed part of the British Navy, but the cost thereof shall be charged to British funds.

(v) Vessels on loan shall remain the property of the Government of the United Kingdom, and at the end of the period of co-operation between the British Navy and the Norwegian Navy, or at an earlier or later date which may be mutually agreed upon, they shall be returned to the Government of the United Kingdom in good sea-going condition as regards equipment and stores as they were at the time of the loan.

(vi) In the event of a vessel while on loan being stranded or wrecked, it shall be for the British Admiralty to decide whether an attempt at salvage shall be made.

Should it be decided to save or to attempt to save the vessel, the salvage expenses shall be born by the British Admiralty, but the cost of the repair of the vessel shall be defrayed from Norwegian funds.

(vii) In the event of a vessel while on loan being lost or damaged beyond repair, no claim for the vessel shall be made on the Norwegian Government, but any sums derived from the sale or salvage of the vessel shall accrue to the British Admiralty, by whom any salvage expenses will be defrayed.

(viii) Should one of the vessels be damaged in circumstances in which a third party is liable for damage sustained by the vessel, any compensation received from the third party shall be set off against the cost of repairing the vessel and any balance over and above the cost of repairs shall be credited to the Norwegian Government. Should the compensation received be insufficient to meet the full cost of the repairs, the deficit shall be charged to Norwegian funds. If the vessel is lost in such circumstances, any compensation received shall be payable to the British Admiralty.

(ix) In the event of one of the vessels while on loan causing damage in respect of which compensation may be payable to a third party, any such compensation shall be paid from Norwegian funds.

Appendix III Relating to the Norwegian Air Forces.

Article 1.

Certain units of the Norwegian Air Forces shall be attached to the British Air Force and shall act under the operational control of the British Air Force authorities.

Article 2.

These units of the Norwegian Air Forces shall operate under the Norwegian flag and shall be manned by Norwegian personnel. The Norwegian authorities shall be responsible for maintaining and replacing the personnel of these units, as necessary. The British authorities shall render all possible assistance in the mobilization and training of the personnel in the Norwegian Air Forces.

Article 3.

(1) The internal administration of all Norwegian air units and their personnel shall remain the responsibility of the Norwegian authority, but units attached to the British Air Force and placed under the operational control of the British Air Force authorities shall act under the orders of the British Commanders of the Formations to which they are attached.

(2) The detailed conditions of service of Norwegian Air personnel employed with the British Air Force shall be arranged by direct discussion between the appropriate Norwegian authorities and the British Air Force.

Appendix IV.
Relating to Jurisdiction
over Members of the Norwegian
Armed Forces.

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Article 1.

Subject to the provisions of Articles 2, 3 and 4 below, jurisdiction in matters of discipline and internal administration over members of the Norwegian Land, Sea and Air Forces in the United Kingdom shall be exercised in accordance with Norwegian military law, and offences against discipline shall be tried and punished accordingly by the Norwegian Service courts and Authorities.

Article 2.

Personnel of the Norwegian Air Forces serving with the British Air Force, whether in Norwegian units or individually, shall be subject to British Air Force discipline and British Air Force law as if they were commissioned or enlisted in the British Air Force, so long as they are serving with a unit of the British Air Force or with a unit of the Norwegian Air Forces stationed at a British Air Force Station. They shall also be subject to the appropriate military law of the Norwegian Forces, when not serving with a unit of the British Air Force or at a British Air Force station. Where an Air Force court is constituted for the trial of an officer or airman of the Norwegian Air Forces serving with the British Air Force for an offence against British Air Force law, it shall consist of an equal number of British and Norwegian officers, with, in addition, a British officer as President of the Court.

Article 3.

The offences of murder, manslaughter and rape shall be tried only by the Civil Courts of the United Kingdom.

Article 4.

Acts or omissions constituting offences against the law of the United Kingdom other than murder, manslaughter and rape will be liable to be tried by the Civil Courts of the United Kingdom.

Article 5.

In the case of any offence coming under Articles 3 or 4 above, the facts shall be reported without delay, in accordance with arrangements to be made between the Norwegian and British Authorities, by the responsible authorities of the Norwegian Force concerned to the appropriate authority in the United Kingdom unless the offender is already in the custody of the civil authorities.

Article 6.

Where a member of the Norwegian Armed Forces is to be tried by a Civil Court of the United Kingdom, the responsible authorities of the Norwegian Force concerned shall give such facilities to the appropriate civil authorities in the United Kingdom as may be necessary for the purpose of providing for the trial.

Article 7.

When members of the Norwegian Land, Sea and Air Forces are serving in any territory outside the United Kingdom which is under the authority of the Government of the United Kingdom the expression "United Kingdom" shall, in relation to these members, mean that territory.

Article 8.

Any offence or act of omission committed by any member of the Norwegian Armed Forces on board a warship flying the Norwegian flag is excluded from the scope of Articles 3, 4, 5 and 6 of present Appendix.

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Secretary of State for Foreign Affairs
to the
Norwegian Foreign Minister.

Foreign Office, London S.W. 1,
May 28th 1941.

Your Excellency!

With reference to the Agreement concerning the organization and employment of the Norwegian Armed Forces in the United Kingdom, which we have signed to-day, I have the honour to give your Excellency the following explanation of the way in which His Majesty's Government in the United Kingdom intend to interpret paragraphs (v) vi) of Article 5 in Appendix II relating to the Norwegian Naval Forces: - Paragraph (v).

It is intended by the phrase "they shall be returned... in good sea going condition" that the cost of repairing any damage incurred by the vessels during the periode of their service as Norwegian war ships, and the cost of remedying defects, so as to make the vessels fit for further sea-going service, shall be chargeable to the Norwegian funds.

It is not intended to imply that any charge will be made on account of normal deterioration of material which may be expected to follow as a result of service and age.

The intention as regards stores and equipment is that (i) shortages of consumable stores, as compared with the original outfits of the vessels, shall be chargeable to Norwegian funds, (ii) losses of and damage to non-consumable stores and equipment shall be similarly chargeable but (iii) no charge shall be made on account of deterioration of the value of non-consumable stores and equipment due to fair wear and tear.

Paragraph (vi).

The implication of this paragraph is that the British Admiralty, which has all salvage and repair facilities in this country under its control, is in the best position to judge of the practicability of salving a stranded vessel and to decide whether salvage is worth while in view of the effort which would be necessary to make a salvaged vessel fit for further useful service. The Norwegian Government may be assured that an attempt at salvage of a stranded vessel would not be pursued unless there was a reasonable prospect that the cost of salvage and subsequent repair resources of this country are strained to the utmost at the present time, that the cost of salvage will fall upon British funds, and that therefore there is no incentive to attempt salvage operations which are likely to be uneconomical. Nevertheless, the British Admiralty will consult the Norwegian Naval Commander-in-Chief beforehand in any case which it seems likely, under paragraph (vi), that the cost of repairing a salvaged vessel would fall heavily upon Norwegian funds.

Similarly, the Norwegian Naval Commander-in-Chief will be consulted in case the repair of a ship extensively damaged in actions is likely to fall heavily upon Norwegian funds.

I have, &c.,

Anthony Eden.

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Secretary of State for Foreign Affairs
to the
Norwegian Foreign Minister.

Foreign Office, London S.W. 1,
May 28th 1941.

Your Excellency!

Article 8 of Appendix IV to the Agreement which we have concluded to-day provides, as part of the arrangements for jurisdiction over the personnel of the Norwegian Armed Forces, that any offence or act of ~~MMI~~ omission committed by any member of the Norwegian Armed Forces on board warships flying the Norwegian naval flag shall be excluded from the scope of Articles 3, 4, 5 and 6 of Appendix IV and thus from the reservations which those articles contain in respect of the competence of the civil courts of the United Kingdom.

In view of the special circumstances arising from the fact that Norwegian warships are not only based upon ports in the United Kingdom, but also depend upon them for docking and repair facilities, His Majesty's Government in the United Kingdom wish, however, to place on record their understanding that the exclusion of this class of offences and acts of omission from the scope of the agreement does not mean that they could not be tried by a civil court of the United Kingdom under the ordinary criminal law of this country in cases where the proper Norwegian authority had seen fit voluntarily to surrender the offender. His Majesty's Government might think it proper to request such a voluntary surrender for the trial by the civil courts in a special case where a member of the crew of a Norwegian warship was accused of having committed a criminal offence against a member of the civil population who happened to be on board the ship when it was in a port of this country.

For example, such a case might arise where the ship goes into port or dock for repairs and persons who are not members of the crew are employed on the ship for the purpose of carrying out the repairs.

His Majesty's Government in the United Kingdom are confident that the Norwegian Government will appreciate their point of view in this matter and that they might count upon a favourable response if they ever felt bound, in the special circumstances contemplated, to invite the competent Norwegian naval authority to waive immunity and to surrender for trial by a United Kingdom civil court a member of the Norwegian armed forces in respect of an act committed on board a Norwegian warship in a British port.

I have, &c.,
Anthony Eden

Mr. Strang to the Norwegian minister.

Foreign Office, September 23rd. 1940.

My dear Minister!

In my letter of the 3rd September I sent your Excellency, for the consideration of your Government, the draft of provisions to regulate the exercise by your Government of jurisdiction over members of its armed forces in this country.

2. There is one further point in connection with the question of jurisdiction which I have to bring to your attention.

3. In the debate in the House of Commons on the 22nd August on the Allied Forces Bill to empower Allied Governments to enforce discipline among their own troops, some apprehension was shown lest the penalty of death might be inflicted on members of the Allied Forces in circumstances which would not justify a similar sentence upon members of the British Forces.

An Amendment to the Bill was moved to restrict the competence of Allied courts in this respect to passing sentences of death only for offences for which a similar sentence could be passed under the law of the United Kingdom.

This amendment was, however, withdrawn, on the Parliamentary Under-Secretary of State for War undertaking to convey the views of the House of Commons to the Allied Governments.

4. This question of the death penalty has now been carefully considered by the competent departments of His Majesty's Government in the light of the debate in the House of Commons and of the undertaking given by Sir Edward Grigg. It is appreciated that the Allied Military Courts might well be placed in considerable difficulty owing to lack of familiarity with the law and procedure of British Military Courts, and it is therefore suggested that the best procedure would be for the Allied Governments to agree that, in the event of one of their court-martials in the United Kingdom passing a sentence of death on a member of their forces, the circumstances would at once be reported to the head of the appropriate British Government Department for the particular Service concerned (the Board of Admiralty or the Secretary for War or for Air), and that the sentence would not be carried out until the appropriate British authority had signified concurrence. If the appropriate British authority felt bound to recommend that the sentence should be reduced in severity, so as to bring it into harmony with the law or custom of The United Kingdom as regards British forces, it would be understood that the competent authority in the Allied Government would take the necessary steps to commute the sentence.

5. I am instructed to request that you will be so good as to bring the foregoing to the notice of the Norwegian Government and to invite them to express their concurrence in the proposed procedure.

6. It is proposed that a similar arrangement should also apply in any territory outside the United Kingdom which is under the authority of His Majesty's Government in the United Kingdom, in the event of Norwegian forces coming to operate there. In the case of these overseas territories the passage of the death sentence would be reported by the Allied Commander to the British General Commanding-in-Chief or other Service authority under whose high command the Allied Forces were operating.

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Yours sincerely,
W. Strang.

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Norwegian Minister to Mr. Strang.

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Royal Norwegian Legation,

London, October 21st 1940.

Dear Mr. Strang.

With Reference to your letter of the 23rd September 1940 (No. C 10086/7802/62), regarding the draft of provisions to regulate the exercise by the Royal Norwegian Government of jurisdiction over members of its armed forces in the United Kingdom, I beg to inform you that my Government have examined the draft and have instructed me to express their agreement with the proposals set forward by His Britannic Majesty's Government.

In the event of a sentence of death being inflicted on a member of the Norwegian Forces in this country, the case will at once be reported to the Head of the appropriate British Government Department for the Service concerned, and the sentence will not be carried out until the appropriate British Authority has signified its concurrence.

If the appropriate British Authority should feel bound to recommend that the sentence should be reduced in severity, so as to bring it into harmony with the law or customs of the United Kingdom as regards British Forces, the Royal Norwegian Government will take the necessary steps to commute the sentence on receiving a request to that effect. Furthermore, the Royal Norwegian Government agree to the proposal that a similar arrangement should apply in any territory outside the United Kingdom which is under the authority of His Majesty's Government in the United Kingdom, in the event of Norwegian Forces coming to operate there. In the case of these overseas territories, the passage of a death sentence will be reported by the appropriate Norwegian Authority to the British general Officer Commanding-in-Chief or other Service Authority under whose high command the Allied Forces will be operating.

The Royal Norwegian Government wish to add that the Norwegian Military Penal Code only in a few and grave cases applies the death sentence and, presumably, in no case in which the British Naval Discipline Act or the Army Act apply less severe punishment.

I should be very grateful for your kind intermediary in bringing the above to the knowledge of His Britannic Majesty's Government.

Yours sincerely,
(For the Minister)
Ingv. Smith-Kielland

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Mr. Strang to the Norwegian Minister.

Foreign Office, May 13th 1941.

My dear Minister.

In your letter No. 232/1941 of the 26th of April conveying the comments of the Norwegian Government upon the draft text for the agreement concerning the Norwegian Forces in the United Kingdom, you suggested that an addition might be made at the end of Article VI in the main agreement to make it clear that the Norwegian Government would not be asked to refund sums which they had not specifically approved.

I explained to you in the course of our conversation on the 8th May that we had consulted the Treasury on this point, who had pointed out that it would not be practicable in the present war-time conditions to undertake that before any expenditure were incurred by British authorities on behalf of the Norwegian Forces, whether by way of the supply of equipment or of repair work, the individual items of expenditure should first be submitted for approval to the Norwegian authorities. If, however, as we understand,

their desire of the Norwegian Government is to have an opportunity to ensure that before they are expected to meet a bill of costs produced by the British authorities they should always have an opportunity of examining the details, and discussing them if necessary with a view to reaching agreement with the appropriate British authority, then the Treasury have no hesitation in saying that this would certainly be the usual procedure.

The cost of services rendered or equipment supplied to the Norwegian Forces would be shown in detail and the British authorities would be prepared to discuss with the Norwegian Authorities any points of doubt which the latter might have before the bill was settled.

I venture to hope that this explanation and assurance will meet any doubts which the Norwegian Government may feel upon the point.

Yours sincerely,
W. Strang.

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Air Commodore Boyle
to
Officer Commanding the Norwegian
Air Forces.

Air Ministry, June 1941.

My dear Riiser-Larsen.

I understand that your authorities are desirous of placing on record the manner in which the Air Council propose to interpret the jurisdiction provisions contained in Appendix IV of the Agreement concerning the Organization and Employment of the Norwegian Armed Forces in the United Kingdom, and in this connection I enclose a copy of a Memorandum, the terms of which have been mutually agreed

Yours sincerely,
A. B. Boyle.

Memorandum amplifying various points arising from Appendix IV, relating to jurisdiction over members of the Norwegian Armed Forces, to the Agreement of May 28th 1941, concerning the employment of Norwegian Armed Forces, and in the Order in Council to be made under Section 3 of the Allied Forces Act, 1940.

Before appointing Norwegian members of a court-martial convened under paragraph 3 (1) of the Order in Council, the convening Officer will consult with the Norwegian Air Authorities with a view to the appointment of suitable and qualified officers.

2. Before any sentence of death passed upon an officer or airman of the Norwegian Air Forces under Section 44 (a) and (h) of the Air Force Act is confirmed, there will be agreement in writing between the confirming authority and His Majesty the King of Norway in Council, and before any sentence passed upon an officer or airman of the Norwegian Air Forces awarding any of the punishments under Section 44 (d), (e) and (1) of the Air Force Act is Confirmed, there will be agreement in writing between the confirming authority and an officer nominated by the Norwegian Government.

3. A sentence passed awarding any of the punishments under Section 44 (d), (e), (f), (1) and (m) of a court-martial convened under paragraph 5 (1) of the Order in Council will be executed by the appropriate authority in the Norwegian Air Forces.

4. An officer of the British Air Force, who is Competent to give his consent for the institution of proceedings against an officer or airman of the Norwegian Air Forces under Section 1 of the Allied Forces Act and paragraph 5 (2) of the Order in Council, may afford facilities for the taking of a summary of evidence or for such other
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investigation as may be necessary with a view to the framing of a charge under Norwegian Air Force law.

5. Wherever practicable an officer of the Norwegian Air Forces will be appointed to sit as a member of a Court of Inquiry held to inquire into the absence without leave of an airman of the Norwegian Air Forces.

6. Where an officer of the British Air Force, in command of a station at which members of the Norwegian Air Forces are serving, is satisfied that an officer of the Norwegian Air Forces who is holding a subordinate command at that station is competent properly to administer the British Air Force Code, he may delegate to him powers of punishment within the limits prescribed in paragraph 1141 of King's Regulations and Air Council Instructions over airmen of the Norwegian Air Forces.

7. Where an officer or airman of the Norwegian Air Forces, who is serving at a British Air Force station, is accused of an offence (other than an offence under the British civil law) committed during a period when he was not subject to the Air Force Act, the officer in command of the station at which he is serving may, at the request of the Norwegian authorities and provided that he is satisfied that such a course would not be detrimental from a training or Service point of view, permit his recall to the Norwegian Air Forces for the purpose of trial according to Norwegian Air Force Law.

Reciprocally an officer or airman of the Norwegian Air Forces who has been recalled from the British Air Force to serve in units of the Norwegian Air Forces remains liable to the provisions of the Air Force Act for offences committed while serving with the British Air Force.

8. Officers and airmen of the Norwegian Air Forces, who are serving with a unit of the British Air Force or with a unit of the Norwegian Air Forces stationed at a Royal Air Force station, will comply with King's Regulations and Air Council Instructions And Air Ministry Orders as if they were members of the British Air Force.

9. While the proceedings of a court-martial convened under the Air Force Act for the trial of an officer or airman of the Norwegian Air Forces must be in English, they will be conducted in such a way as to allow the accused to understand the proceedings (apart from deliberations in closed court). Observance of this stipulation will be facilitated by the arrangement embodied in paragraph 3 (1) of the Order in Council and the provisions of Rule of Procedure 72 (A). These are that "At any time during the trial an impartial person may, if the court think it necessary, and shall, if either the prosecutor or the accused request it on any reasonable ground, be sworn to act as interpreter."

A Member of a court-martial is not disqualified from acting as interpreter, but this is inconvenient where the evidence requiring an interpretation is likely to be prolonged. Under the Air Force Act only an officer can sit as a Member of a court-martial and only an officer subject to the Act or a duly qualified barrister or solicitor may appear on behalf of an accused.

The defending officer may be a Norwegian officer, and there would be no objection to an accused being assisted in his defence by a Norwegian barrister or solicitor, selected by the accused, but he would not be entitled to address the Court.

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