

UNITED STATES
OF AMERICA



Treaty Series No. 6 (1967)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the United States of America

concerning Indemnification for
Third Party Liability arising from the Carriage in the
United Kingdom or in British Ships travelling to or from
the United Kingdom of Conventional-Type Ammunition
owned by the United States Government

London, 27 October 1966

[The Agreement entered into force on signature]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
January 1967*

LONDON

HER MAJESTY'S STATIONERY OFFICE

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EXCHANGE OF NOTES
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
CONCERNING INDEMNIFICATION FOR THIRD PARTY
LIABILITY ARISING FROM THE CARRIAGE IN THE UNITED
KINGDOM OR IN BRITISH SHIPS TRAVELLING TO OR FROM
THE UNITED KINGDOM OF CONVENTIONAL-TYPE
AMMUNITION OWNED BY THE UNITED STATES GOVERNMENT

No. 1

*The American Ambassador in London to Her Majesty's Principal Secretary
of State for Foreign Affairs*

No. 15

Excellency:

London, October 27, 1966

I have the honor to refer to discussions which have been held between representatives of the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the question of indemnification for third party liability arising from the carriage in the United Kingdom or in British ships travelling to or from the United Kingdom of conventional-type ammunition owned by the United States Government. These discussions have resulted in agreement on the following points.

1. The Government of the United Kingdom shall, upon request of the United States authorities, continue to arrange for the handling and transport in the United Kingdom, or in British ships travelling to or from the United Kingdom, of conventional-type ammunition owned by the United States Government. The handling and transport shall be performed by shipowners, dock and harbor authorities, inland carriers and others in the United Kingdom, or in certain cases, directly by a Department of Her Majesty's Government.

2. To the extent necessary to effect the handling and transport described in the preceding paragraph, the Government of the United Kingdom shall contract to indemnify the shipowners, dock and harbor authorities, inland carriers and others for losses incurred by them directly or by reason of their liability to third parties, resulting from injury, death or property damage caused by explosions which may occur in the course of the handling and transport of the ammunition. Such contracts of indemnity shall be subject to all defenses, conditions and rights of subrogation that customarily apply with respect to the handling and transport of ammunition owned by the Government of the United Kingdom. No charge to the United States Government shall be made by the Government of the United Kingdom for contracts of indemnity entered into in accordance with this paragraph.

3. Any claims against the Government of the United Kingdom arising under the contracts of indemnity described above shall be settled or adjudicated in accordance with the laws and regulations applicable to similar claims involving ammunition owned by the Government of the United Kingdom.

4. It is understood that in the absence of legislative authority, the Executive Branch of the United States Government is unable at this time to give a commitment to reimburse the Government of the United Kingdom for claims settlements made as contemplated in the preceding paragraph. The Executive Branch of the United States Government undertakes to seek legislative authority as soon as a valid claim for reimbursement is presented, which would provide for reimbursement of the Government of the United Kingdom for 75% of all such payment, so that the claims payments shall be shared in a manner paralleling the 75%-25% formula contained in paragraph 5 of Article VIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on 19 June, 1951.⁽¹⁾

5. Whenever it appears that recovery may be possible against persons whose apparent willful action, negligence or omissions might have caused the injury, death or property damage which forms the subject of the claim, the two Governments shall consult as to the action to be taken, and shall share any amounts recovered in the same 75%-25% proportion as provided in paragraph 4 above.

6. The present arrangements shall not apply to war damage in the event of hostilities to which the North Atlantic Treaty applies, nor to damage to property of either Government. Further, nothing in these arrangements shall affect the provisions of paragraphs 1, 2 and 4 of Article VIII of the NATO Status of Forces Agreement.

7. The present arrangements shall remain in force until one year after the receipt by one of the two Governments of written notice of termination by the other Government.

If the foregoing meets with the approval of the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honor to propose that this note, and Your Excellency's note in reply to that effect shall constitute an agreement between our two Governments, which shall enter into force on the date of Your Excellency's reply.

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

DAVID BRUCE,
American Ambassador.

⁽¹⁾ "Treaty Series No. 3 (1955)", Cmd. 9363.

No. 2

*Her Majesty's Principal Secretary of State for Foreign Affairs to the
American Ambassador in London*

Foreign Office, S.W.1,

27 October, 1966.

Your Excellency,

I have the honour to acknowledge receipt of your Note No. 15 of the 27th of October, 1966, which reads as follows:

[As in No. 1]

2. In reply, I have the honour to inform you that the foregoing meets with the approval of the Government of the United Kingdom of Great Britain and Northern Ireland, who therefore agree that Your Excellency's Note and this reply shall constitute an Agreement between the two Governments in this matter which shall enter into force on this day's date.

I have the honour to be,
with the highest consideration,
Your Excellency's obedient Servant,

(For the Secretary of State)

C. MAYHEW.

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