

No. 1298

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

**Exchange of notes (with annex) constituting an agreement  
for the settlement of claims arising out of incidents  
involving the British forces in Denmark. London,  
1 December 1947**

*Official text: English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
11 July 1951.*

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

**Échange de notes (avec annexe) constituant un accord  
relatif au règlement des demandes d'indemnisation  
ayant pour origine des accidents imputables aux forces  
armées britanniques stationnées au Danemark. Lon-  
dres, 1er décembre 1947**

*Texte officiel anglais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
11 juillet 1951.*

No. 1298. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE DANISH GOVERNMENT FOR THE SETTLEMENT OF CLAIMS ARISING OUT OF INCIDENTS INVOLVING THE BRITISH FORCES IN DENMARK. LONDON, 1 DECEMBER 1947

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I

*Mr. Ernest Bevin to Count Eduard Reventlow*

FOREIGN OFFICE, S.W.1

1st December, 1947

Your Excellency,

I have the honour to inform you that a procedure for the settlement of certain categories of claims between the Government of the United Kingdom of Great Britain and Northern Ireland and the Royal Danish Government, arising out of incidents occurring in Denmark and involving the British Forces, has been drawn up by the competent authorities of the two Governments in the terms set out in the annex to the present Note.

2. His Majesty's Government in the United Kingdom approve of the annexed provisions and, if they are likewise approved by the Danish Government, I have the honour to suggest that the present Note and your Excellency's reply to that effect be regarded as constituting an agreement on this subject between the two Governments which shall come into force with effect from 1st June, 1944.

I have, &c.

(Signed) Ernest BEVIN

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<sup>1</sup> Came into force on 1 December 1947, with retroactive effect as from 1 June 1944, by the exchange and according to the terms of the said notes.

## ANNEX TO NOTE I

## MEMORANDUM OF AGREEMENT

For the practical application of certain clauses of the Mutual Aid Protocol of 24th October, 1945,<sup>1</sup> and for the purpose of defining the procedure relating to certain categories of claims, it is agreed that:—

(1) *Scope of Application.*—The claims to which this Agreement is intended to apply are claims arising out of incidents occurring prior to 31st December, 1947, involving damage to immovable property in Denmark or in Danish territorial waters (not belonging to enemy nationals) and claims by or against persons ordinarily resident in Denmark (not being enemy nationals) or corporations (other than corporations registered in enemy territory) having a principal place of business in Denmark, which arise out of incidents occurring in Denmark or in Danish territorial waters and involving the British Forces as defined below.

(2) *Investigation and Assessment to be undertaken by the Danish Government.*—The Danish Government will receive, investigate and assess the following categories of claims:—

(a) *Traffic Accidents.*—Claims arising out of accidents involving vehicles owned controlled by the British Armed Forces, except those cases in which the British Commander certifies that the driver was not on duty at the time of the accident.

(b) *Occupational Claims.*—All claims for damage to land, bivouac areas, buildings and their contents, including claims for damage by fire or by training and manœuvres, where the damage or the destruction is the result of the use or occupation of such property for the purpose for which the same was requisitioned or otherwise used or occupied and which may not be covered by the agreement between the Royal Danish Minister of the Interior and the British Army of the Rhine, dated 19th June, 1946, or any other special agreement.

(c) *Other Miscellaneous Claims.*—All other claims for damages of a civil nature not covered by other agreements between the respective Governments. Without limiting the generality thereof, the term “damages of a civil nature” is understood to include claims arising from—

- (i) accidental shootings and explosions;
- (ii) practice gunfire;

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<sup>1</sup> See p. 143 of this volume.

- (iii) all other incidents, except those referred to in paragraph 3 hereof, for which the Danish Government would have accepted financial responsibility in comparable circumstances had Danish Service personnel been involved.
- (d) *Aircraft Accidents.*—All claims arising out of accidents occurring in Denmark or in Danish territorial waters involving aircraft operated by and at the risk of the British Forces.
- (e) *Maritime Accidents.*—All claims arising out of accidents of a maritime nature which have occurred or which may occur in any Danish waterway or in any Danish territorial waters, and which are made against any ship (proceeding on a voyage to or from the British Forces stationed in Denmark) which is the property of, or which was operating at the risk of, the Government of the United Kingdom.

This paragraph shall apply to claims arising out of such maritime accidents affecting craft of all descriptions (including amphibious craft when afloat) operated by and at the risk of the British Forces, but shall not apply to claims made against any ship owned by or operating at the risk of the Ministry of Transport.

- (f) *Workmen's Compensation.*—All claims for compensation arising out of injuries sustained during, or as a result of, employment with the British Forces, providing the accident occurred prior to 9th November, 1945. As from 9th November, 1945, the Government of the United Kingdom has insured against this category of claims.

(3) *Investigation and Assessment to be undertaken by the Government of the United Kingdom.*—The Government of the United Kingdom will receive, investigate and assess all claims which arise out of:—

- (a) Criminal or other acts, either of which involve moral turpitude (such as rape, assault, theft or pillage), alleged to have been committed by members of the British Forces.
- (b) Off-duty traffic accidents, where the British Commander certifies that the Service Driver was not on duty.

(4) *Financial Responsibility.*—The payment of the claims referred to in paragraph 2 hereof will be the financial responsibility of the Danish Government as matters of Mutual Aid, providing such claims arise out of incidents occurring prior to 9th November, 1945. The payment of all claims referred to in paragraph 2 hereof arising out of incidents occurring on or after 9th November, 1945, and all claims referred to in paragraph 3 hereof, will be the financial responsibility of the Government of the United Kingdom.

(5) *Procedure.*—The Danish Government will undertake the work of investigation in respect of the claims set out in paragraph 2 hereof and will refer each claim to the A.D. Claims (Low Countries) Brussels with all supporting documents and a recommendation as to the amount of compensation to be awarded. The award of the Claims Commission will be communicated through the same channel to the Danish Government, which, if the incident giving rise to the claim occurred prior to 9th November, 1945, will pay and bear the cost of the compensation out of Danish Government Funds in accordance with paragraph 4 hereof or, if the incident occurred on or after 9th November, 1945, will pay the compensation as an advance in accordance with paragraph 6 hereof. The Claims Commission will supply the Danish Government with any non-privileged documents required to enable the latter to carry out the work undertaken by it under this paragraph.

(6) *Machinery for effecting Payment.*—The Danish Government will advance the sums required to effect the settlements of those claims arising out of incidents occurring after 9th November, 1945, which are its responsibility under paragraph 2 hereof so far as investigation and assessment are concerned. The Government of the United Kingdom will refund in accordance with the appropriate financial agreement all approved payments in respect of these claims. Payments by the Danish Government in respect of incidents occurring before 9th November, 1945, will be charged to Mutual Aid and will not, therefore, be subject to refund by the Government of the United Kingdom.

(7) *Basis for assessment of Liability and Damages.*—All claims to be investigated by the Danish Government hereunder will be assessed and settled in accordance with Danish Law and subject to any principles that might be applied by the Danish Authorities in comparable circumstances if Danish Service personnel were involved.

(8) *Affirmative Claims.*—The Government of the United Kingdom shall transfer to the Danish Government all claims covered by this Agreement against civilian third parties for damage to property, so that the Danish Government may assert the same by way of claim or counter-claim. The amounts recovered will be credited by the Danish Government to the Government of the United Kingdom when submitting the request for refund referred to in paragraph 6 hereof. Moneys recovered from third parties in respect of claims arising out of incidents occurring prior to 9th November, 1945, will be retained by the Danish Government.

(9) *War Damage.*—Nothing in this agreement shall be deemed to place any financial responsibility upon the Government of the United Kingdom in respect of any claim by an inhabitant of Denmark for damage to property, or injury to, or death of persons arising out of action of, or operations against the enemy or any other combat activities, or for any other damage or injury classified as war damage or war injury.

(10) *Mutual Forbearance.*—In all cases in which property of the respective Governments is accidentally damaged or destroyed, or in which one Government might otherwise assert against the other a claim for death, injury, or loss (as distinct from claims made by or on behalf of individuals), it is agreed that the Government of the United Kingdom and the Danish Government will each bear their own losses where they fall and will mutually forbear from asserting any claims against the other.

(11) *Definition of "British Forces."*—The term "British Forces" shall be deemed, for the purpose of this agreement, to include the personnel of the Royal Navy, the British Army, the Royal Air Force and any organisation under their control.

(12) *Exclusions.*—Nothing herein contained shall be considered in any manner to affect the procedure for the disposal of claims arising out of contract.

(13) *Personal Claims by Individual Members of the British Forces.*—This Agreement does not apply to individual claims by members of the British Forces under British command, such individuals being free to pursue such personal claims as they may think fit.

(14) *Procedure.*—It is further agreed that the detailed procedure to be adopted for the investigation and processing of claims of the categories to which this Agreement applies will be arranged between the British and the Danish Services concerned.

1st December, 1947.

## II

*Count Eduard Reventlow to Mr. Ernest Bevin*

ROYAL DANISH EMBASSY

1st December, 1947

Sir,

I have the honour to acknowledge receipt of your Note of to-day's date informing me that a procedure for the settlement of certain categories of claims between the Government of the United Kingdom of Great Britain and Northern Ireland and the Royal Danish Government, arising out of incidents occurring in Denmark and involving the British forces, has been drawn up by the competent authorities of the two Governments in the terms set out in the

annex to your Note and that the procedure has received the approval of His Britannic Majesty's Government in the United Kingdom.

2. The Royal Danish Government for their part likewise approve of these provisions and agree that your Note and the present reply be regarded as constituting an agreement on this subject between the two Governments which shall come into force with effect from 1st June, 1944.

I have, &c.

(Signed) E. REVENTLOW