

PART I PRELIMINARY

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1 Short title.

Short title.

1.

This Act may be cited as the Visiting Forces Act.

2 Interpretation.

Interpretation.

2.

—(1) In this Act, unless the context otherwise requires —

"authorised service organisation" means a body organised for the benefit of or to serve the welfare of a force or civilian component or dependant;

"civilian component" means the civilian personnel accompanying a force, who are employed in the service of a force or by an authorised service organisation accompanying a force, and who are not stateless persons nor citizens of, nor ordinarily resident in Singapore;

"court" includes a service court;

"court of Singapore" means any court in Singapore other than a service court;

"dependant" , in relation to a member of a force or civilian component, means a person who is not ordinarily resident in Singapore and who is —

(a) the wife or husband of any such member;

(b) wholly or mainly maintained or employed by any such member; or

(c) is in the custody, charge or care, or who forms part of the family of any such member;

"forces" , in relation to a country, means any of the naval, military or air forces of that country;

"law of Singapore" means any written law for the time being in force in Singapore or any part thereof, and includes the Constitution;

"member" , in relation to a visiting force, means a member of the force of a sending country, being one of the members thereof for the time being appointed to serve with that visiting force, and includes any person in Singapore for the time being voluntarily enlisted in that force;

"Minister" means the Minister for the time being charged with the responsibility for defence;

"sending country" , in relation to a visiting force, means the country of whose forces the visiting force forms part;

"service authorities" means the authorities of a force who are empowered by the law of the country of whose forces the visiting force forms part to exercise command or jurisdiction over members of a force;

"service court" means a court established under service law and includes any authority of a country who under the law thereof is empowered to review the proceedings of such a court or to try or investigate charges brought against persons subject to the service law of that country; and references to trial by, or to sentences passed by, service courts of a country shall be construed respectively as including references to trial by, and to punishment imposed by, such an authority in the exercise of such power;

"service law" , in relation to a country, means the law governing all or any of the forces of that country;

"Singapore authorities" means the authority or authorities from time to time authorised or designated by the Government for the purpose of exercising the powers in relation to which the expression is used;

"Singapore forces" means any of the Singapore Armed Forces for the time being serving in Singapore, and includes any police force, and other body which by virtue of any law of Singapore is or is deemed to form part of the Singapore Armed Forces;

"visiting force" , for the purposes of any provision of this Act, means any body, contingent or detachment of the forces of a country to which that provision applies, being a body, contingent or detachment for the time being lawfully present in Singapore pursuant to any treaty, agreement or arrangement

to which the Government is a party.

(2) For the purposes of this Act, a member of a force of any country which (by whatever name called) is in the nature of a reserve or auxiliary force shall be deemed to be a member of that country's forces so long as, but only so long as, he is called into actual service (by whatever expression described) or is called out for training; and any reference in this Act to a person's becoming a member of a country's forces shall be construed accordingly.

(3) References in any provision of this Act to the appropriate authority of a country are references to such authority as may be appointed by the government of that country for the purposes of that provision.

(4) References in this Act to the presence of any forces in Singapore at any time shall be construed as including references to their being at that time in transit to Singapore.

(5) In determining for the purposes of any provision of this Act whether a person is or was at any time ordinarily resident in Singapore, no account shall be taken of any period during which he has been or intends to be present in Singapore while being a member of a visiting force or of a civilian component of such a force, or while being a dependant of a member of a visiting force or of such a civilian component.

3 Countries to which this Act applies.

Countries to which this Act applies.

3.

—(1) References in this Act to a country to which a provision of this Act applies are references to any country designated for the purpose of that provision by order of the President under subsection (2).

(2) Where it appears to the President that it is expedient that all or any of the provisions of this Act should have effect in relation to any country, he may by order designate that country for the purposes of such provisions.

(3) The President may by order provide that insofar as this Act has effect in relation to any country designated under subsection (2), it shall have effect subject to such limitations, adaptations or modifications (including the limitation, adaptation or modification of any definition in this Act) as may be specified in that order.

4 Definition of membership of civilian component of visiting force.

Definition of membership of civilian component of visiting force.

4.

— (1) In Part II references to a member of a civilian component of a visiting force are references to a person for the time being fulfilling the following conditions:

(a) that he holds a passport issued in respect of him by a government, not being a passport issued by the passport authorities of Singapore;

(b) that the passport contains an uncancelled entry made by or on behalf of the appropriate authority of the sending country stating that he is a member of a civilian component of a visiting force of that country; and

(c) that the passport contains a note of recognition of that entry by or on behalf of the Minister for the time being charged with responsibility for immigration which has not been cancelled and as respects which no notification in writing has been given by or on behalf of that Minister to the appropriate authority of the sending country stating that the recognition is withdrawn.

(2) The reference in subsection (1) (c) to a note of recognition of an entry in a passport is a reference to any mark or indication made in the passport by or on behalf of the Minister for the time being charged with responsibility for immigration signifying that the entry has been noted and approved.

(3) In this section, “passport” includes any document which, in accordance with the law for the time being in force in Singapore, would be treated as the equivalent of a passport in the case of a person entering Singapore, being a national of the country by whose government the document is issued.

5 Definition of relevant association.

Definition of relevant association.

5.

In Part II references to a person's having at any time a relevant association with a visiting force are references to his being at that time a person of one or other of the following descriptions:

(a) a member of that visiting force or a member of a civilian component of that force;

(b) a person (not being a citizen of Singapore or ordinarily resident in Singapore) being a dependant of a member of that visiting force or of a civilian component of that force.

PART II VISITING FORCES

PART II VISITING FORCES

6 Exercise of powers by service courts and authorities of countries sending visiting forces.

Exercise of powers by service courts and authorities of countries sending visiting forces.

6.

—(1) The service courts and service authorities of a country to which this section applies may within Singapore, or on board any ships or aircraft belonging to the Government, exercise over persons subject to their jurisdiction in accordance with this section all such powers as are exercisable by them according to the law of that country.

(2) The persons subject to the jurisdiction of the service courts and service authorities of a country in accordance with this section are the following:

(a) members of any visiting force that country:

(b) all persons, not being citizens of Singapore, seconded or temporarily attached to or serving with the Singapore Armed Forces in accordance with any treaty, arrangement or agreement to which the Government is a party, and who by their terms and conditions of service are subject to the jurisdiction of such courts and authorities; and

(c) all other persons who, being neither citizens of Singapore nor ordinarily resident in Singapore, are for the time being subject to the service law of that country otherwise than as members of that country's forces:

Provided that for the purposes of this subsection a person shall not be

treated as a member of a visiting force of a country if he became (or last became) a member of that country's forces at a time when he was in Singapore, unless it is shown that he then became a member of those forces with his consent.

(3) Where any sentence has, whether within or outside Singapore, been passed by a service court of a country to which this section applies upon a person who immediately before the sentence was passed was subject to the jurisdiction of that court in accordance with this section, then for the purposes of any proceedings in a court of Singapore that service court shall be deemed to have been properly constituted, and the sentence shall be deemed to be within the jurisdiction of that court and in accordance with the law of that country, and if executed according to the tenor of the sentence shall be deemed to have been lawfully executed.

(4) Notwithstanding anything in subsections (1) to (3), a sentence of death passed by a service court of a country to which this section applies shall not be carried out in Singapore unless under the law of Singapore a sentence of death could have been passed in a similar case.

(5) Any person who —

(a) is detained in custody in pursuance of a sentence as respects which subsection (3) has effect; or

(b) being subject in accordance with this section to the jurisdiction of the service courts of a country to which this section applies, is detained in custody pending or during the trial by such a court of a charge brought against him,

shall for the purposes of any proceedings in any court of Singapore be deemed to be in lawful custody.

(6) For the purpose of enabling the service courts and service authorities of a country to which this section applies to exercise more effectively the powers referred to in subsection (1), the Minister may, if so requested by the appropriate authority of that country, from time to time by general or special orders direct members of the Singapore forces to arrest any person, being a member of a visiting force of that country, who is alleged to be guilty of an offence punishable under the law of that country, and to hand him over to such service authority of that country as may be designated by or under such orders.

7 Restriction as respects certain offences of trial

of offenders connected with visiting force.

Restriction as respects certain offences, of trial of offenders connected with visiting force.

7.

— (1) No prosecution for an offence alleged to have been committed by a member of a visiting force shall be instituted in any court of Singapore unless —

(a) the Public Prosecutor certifies —

(i) that the offence is one in relation to which the Singapore authorities have the right to exercise exclusive jurisdiction or the primary right to exercise jurisdiction under any treaty, agreement or arrangement to which the Government is a party; and

(ii) that such authorities have not waived their right of jurisdiction in respect of that offence; or

(b) the Public Prosecutor certifies that, although the offence is one in respect of which the service authorities of the visiting force have the primary right to exercise jurisdiction under such a treaty, agreement or arrangement, that right has been waived in respect of the offence by such authorities or by the government of the country to which such visiting force belongs.

(2) Where a person has been tried by a service court of a country under the powers referred to in section 6 (1) duly exercised in accordance with the provisions of any treaty, agreement or arrangement between Singapore and that country, he shall not be tried for the same offence by any court of Singapore.

(3) The President may by order direct that subsection (1) shall apply in like manner as it applies to members of a visiting force to such other persons or class of persons having a relevant association with a visiting force as he may by such order specify.

(4) Subject to section 9, a person charged with an offence may, notwithstanding this section, be arrested or a warrant for his arrest may be issued or executed, and any such person may be remanded in custody or on bail notwithstanding that the Public Prosecutor has not given a certificate under subsection (1), but the case shall not be further prosecuted until such a certificate has been given.

8 Singapore courts to have regard to sentences of service courts.

Singapore courts to have regard to sentences of service courts.

8.

Where a person who has been convicted by a service court under the powers referred to in section 6 (1) is convicted by a court of Singapore, and it appears to that court that the conviction by the service court was wholly or partly in respect of acts or omissions in respect of which he is convicted by the court of Singapore, that court shall have regard to the sentence of the service court.

9 Arrest custody etc. of offenders against Singapore law.

Arrest, custody, etc., of offenders against Singapore law.

9.

— (1) Neither section 7 nor section 8 shall affect —

(a) any powers of arrest, search, entry, seizure or custody exercisable under any law of Singapore with respect to offences committed or believed to have been committed against that law;

(b) any obligation of any person in respect of a bail bond entered into in consequence of his arrest, or the arrest of any other person, for such an offence; or

(c) any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence.

(2) Where a person to whom this section applies is taken into custody by a police officer for any offence referred to in subsection (1), and is not released, and —

(a) it is apparent that he has a relevant association with a visiting force of a country to which this section applies, then he shall as soon as practicable thereafter, be delivered or remanded into the custody of a service authority of that country;

(b) it is not apparent but there are reasonable grounds for believing that in accordance with section 6 he is subject to the jurisdiction of the service courts of a country to which this section applies, then with a view to its being determined whether he is to be dealt with for that offence under the law of Singapore or by the service courts of that country, as the case may be, he may be detained in custody for a period not exceeding 24 hours: but if within that period he is not delivered into the custody of a service authority of that country he shall be released on bail or brought before a Magistrate.

(3) Where a prosecution for an offence alleged to have been committed by a person to whom this section applies is instituted pursuant to section 7 (1) in any court of Singapore, that person shall be delivered or remanded into the custody of a service authority of that country until he is brought to trial by the Singapore authorities.

(4) A person detained in custody in accordance with subsections (1) to (3) shall be deemed to be in lawful custody for all purposes.

(5) This section applies to —

(a) members of a visiting force; and

(b) any other persons who have a relevant association with a visiting force.

10 Restriction on proceedings in respect of service of members etc. of visiting force.

Restriction on proceedings in respect of service of members, etc., of visiting force.

10.

No proceedings shall be entertained by any court of Singapore with regard to the pay of any person in respect of service as a member of a visiting force or as a member of a civilian component of such a force, with regard to the terms of such service or with regard to a person's discharge from such service.

11 Provisions as to Magistrate's or Coroner's inquiries and as to removal of bodies of deceased persons.

Provisions as to Magistrate's or Coroner's inquiries and as to removal of

bodies of deceased persons.

11.

— (1) If any Magistrate or Coroner having jurisdiction to hold an inquiry touching a death is satisfied that the deceased person at the time of his death had a relevant association with a visiting force, then unless the Minister otherwise directs the Magistrate or Coroner shall not hold the inquiry or, if the inquiry has been begun but not completed, shall adjourn the inquiry.

(2) Subject to subsection (1), if on an inquiry touching a death the Magistrate or Coroner is satisfied —

(a) that a person who in accordance with section 6 is subject to the jurisdiction of the service courts of a country to which this section applies has been charged before a court of that country with causing the death of the deceased person, whether or not that charge has been dealt with; or

(b) that such a person is being detained by an authority of that country with a view to being so charged,

then unless the Minister otherwise directs the Magistrate or Coroner shall adjourn the inquiry, and shall furnish the registrar of deaths with a certificate stating the particulars necessary for the registration of the death so far as they have been ascertained at the inquiry.

(3) Where an inquiry is adjourned under this section, the Magistrate or Coroner shall not resume it except on the direction of the Minister and, if he does resume it, shall proceed in all respects as if the inquiry had not previously been begun, except that it shall not be obligatory on the Magistrate or Coroner to view the body or to furnish the registrar of deaths with any certificate or further certificate, as the case may be.

(4) Any law in force in Singapore restricting the removal out of Singapore of the body of a deceased person shall not apply to the body of a person who at the time of his death had a relevant association with a visiting force:

Provided that this subsection shall not apply as respects the body of a person concerning whose death, by virtue of a direction of the Minister under subsection (1) or (3), an inquiry is required to be held or, if begun, is required to be resumed.

(5) Notwithstanding anything in any law of Singapore relating to certificates to be given to persons giving information concerning deaths, a certificate

shall not be given under that law to the person giving information concerning a death if that person states that the body is one as respects which subsection (4) has effect and that it is proposed to remove the body out of Singapore.

12 Application to visiting forces of law relating to Singapore forces.

Application to visiting forces of law relating to Singapore forces.

12.

—(1) Where under any written law a power is exercisable by any authority or person —

(a) as respects any of the Singapore forces or their members or service courts or other persons in any way connected therewith; or

(b) as respects any property used or to be used for the purposes of any of the Singapore forces, or for taking possession of any property to be so used, or for acquiring (whether by agreement or compulsorily) any property so used or to be so used,

the President may by order make provision for securing that subject to any conditions specified by the order the power shall be exercisable by that authority or person in the case of any visiting force to which the order applies to any extent to which it would be exercisable if the visiting force were a part of any of the Singapore forces.

(2) The President may by order made as respects any visiting force for the purpose of implementing any treaty, agreement or arrangement between Singapore and the country to which such force belongs —

(a) exempt that force or members or service courts or other persons (including any authorised service organisation) in any way connected therewith or property used or to be used for the purposes thereof from the operation of any written law specified in the order;

(b) confer on that force or any such members, courts, persons or property any other power, privilege or immunity which would be enjoyed or would be capable of being conferred on the force, members, courts, persons or property if the force were part of any of the Singapore forces.

(3) Where by any written law the doing of anything is prohibited, restricted or required in relation to —

(a) any of the Singapore forces or their members or service courts or other persons in any way connected therewith;

(b) any property used or to be used for the purposes of any of the Singapore forces,

the President may by order make provisions for securing that the prohibition, restriction or requirement shall have effect in the case of any visiting force to which the order applies to any extent to which it so would have effect if the visiting force were a part of any of the Singapore forces.

(4) An order under this section —

(a) may contain such incidental, consequential and supplementary provisions as appear to the President expedient for the purposes of the order, including provisions for applying, modifying, adapting or suspending any written law;

(b) may make financial provision in respect of the exercise of any power, or the discharge of any duty, conferred or imposed by the order.

(5) In this section, “property” includes both movable and immovable property.

(6) Subsections (1) and (3) apply whether the power in question is exercisable, or the prohibition, restriction or requirement in question is imposed, by provision expressly relating to the Singapore forces or by more general provision.

13 Settlement of claims against visiting forces.

Settlement of claims against visiting forces.

13.

— (1) The Minister may make arrangements whereby claims in respect of acts or omissions of members of visiting forces, or of other persons or organisations connected therewith to whom the arrangements relate, being acts or omissions of any description to which the arrangements relate, will be satisfied by payments made by the Minister of such amounts as may be adjudged by any court of Singapore or as may be agreed between the claimant and the Minister or such other authority as may be provided by the arrangements; and any expenses of

the Minister incurred in satisfying claims in pursuance of any such arrangements or otherwise in connection with the arrangements shall be defrayed out of moneys provided by Parliament.

(2) The Minister shall take such steps as may be requisite for securing that persons concerned with any arrangements made by him under this section shall be informed of the nature and operation of the arrangements.

14 Evidence for purposes of Part II.

Evidence for purposes of Part II.

14.

— (1) For the purposes of this Part, a certificate issued by or on behalf of the appropriate authority of a country, stating that at a time specified in the certificate a person so specified either was or was not a member of a visiting force of that country, shall in any proceedings in any court in Singapore be sufficient evidence of the fact so stated unless the contrary is proved.

(2) For the purposes of this Part, a certificate issued by or on behalf of the appropriate authority of a country, stating, as respects a person specified in the certificate —

(a) that on a date so specified he was sentenced by a service court of that country to such punishment as is specified in the certificate;

(b) that he is, or was at a time so specified, detained in custody in pursuance of a sentence passed upon him by a service court of that country or pending or during the trial by such a court of a charge brought against him; or

(c) that he has been tried, at a time and place specified in the certificate, by a service court of that country for a crime so specified,

shall in any proceedings in any court of Singapore be conclusive evidence of the facts so stated.

(3) For the purposes of section 4, the following provisions shall have effect in any proceedings in any court of Singapore:

(a) a document purporting to be a passport issued by or on behalf of a government and to be so issued in respect of a person bearing the name in

which a person is referred to in the proceedings (whether as a party thereto or otherwise) shall, unless the contrary is proved, be deemed to have been issued by that government and to relate to the person so referred to;

(b) an entry in a passport containing such a statement as is mentioned in section 4 (1) (b) and purporting to be made by or on behalf of the appropriate authority of the sending country shall, unless the contrary is proved, be deemed to have been so made; and

(c) a mark or indication in a passport purporting to be made by or on behalf of the Minister shall, unless the contrary is proved be deemed to have been so made.

(4) For the purposes of this Part, the production of an uncanceled entry made by or on behalf of the appropriate authority of the sending country in a document purporting to be a passport issued by a government (other than Singapore) stating that the person mentioned therein (not being a citizen of Singapore or ordinarily resident therein) is a dependant of a member of a visiting force of that country or of a civilian component of that force shall in any proceedings in any court of Singapore be sufficient evidence of the fact so stated unless the contrary is proved.

(5) Where a person is charged with an offence against the law of Singapore and at the time when the offence is alleged to have been committed he was a member of a visiting force or a member of a civilian component of such a force, a certificate issued by or on behalf of the appropriate authority of the sending country, stating that the alleged offence, if committed by him, arose out of and in the course of his duty as a member of that force or component, as the case may be, shall in any such proceedings be sufficient evidence of that fact unless the contrary is proved.

(6) For the purposes of section 7 (1), any certificate of the Public Prosecutor given thereunder shall in any proceedings be conclusive evidence of the facts stated therein.

PART III DESERTERS AND ABSENTEES WITHOUT LEAVE

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15 Apprehension and disposal of deserters and

absentees without leave.

Apprehension and disposal of deserters and absentees without leave.

15.

(1) Subject to this section, sections 123, 167 and 168 of the Singapore Armed Forces Act (which relate to the apprehension, custody and delivery into military custody of deserters and absentees without leave from the Singapore Armed Forces) shall within Singapore apply in relation to deserters and absentees without leave from the forces of any country to which this section applies as they apply in relation to deserters and absentees without leave from the Singapore Armed Forces.

(2) The powers conferred by sections 123, 167 and 168 of the Singapore Armed Forces Act as applied by subsection (1) shall not be exercised in relation to a person except in compliance with a request (whether specific or general) of the appropriate authority of the country to which he belongs.

(3) In sections 123, 167 and 168 of the Singapore Armed Forces Act as applied by subsection (1), references to the delivery of a person into military custody shall be construed as references to the handing over of that person to such authority of the country to which he belongs, at such place in Singapore as may be designated by the appropriate authority of that country.

(4) In this section, references to the country to which a person belongs are references to the country from whose forces he is suspected of being or (where he has surrendered himself) appears from his confession to be a deserter or absentee without leave.

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16 Evidence for purposes of section 15.

Evidence for purposes of section 15.

16.

For the purposes of any proceedings under or arising out of any provision of the Singapore Armed Forces Act as applied by section 15 —

(a) a document purporting to be a certificate under the hand of the Minister, stating that a request has been made for the exercise of the powers mentioned in section 15 (2), and indicating the effect of the request, shall be

sufficient evidence, unless the contrary is proved, that the request has been made and of its effect; and

(b) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any of the forces of a country to which this section applies, stating that a person named and described therein was at the date of the certificate a deserter, or absentee without leave, from those forces shall be sufficient evidence, unless the contrary is proved, of the facts appearing from the document to be so certified.

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PART IV ATTACHMENT OF PERSONNEL AND MUTUAL POWERS OF COMMAND

PART IV

ATTACHMENT OF PERSONNEL AND MUTUAL POWERS OF COMMAND

17 Attachment of personnel and mutual powers of command.

Attachment of personnel and mutual powers of command.

17.

— (1) The Armed Forces Council —

(a) may attach temporarily to a Singapore force any member of the forces of any country to which this section applies who is placed at the disposal of the Government for the purpose by the service authorities of that country;

(b) subject to anything to the contrary in the conditions applicable to his service, may place any member of a Singapore force at the disposal of the service authorities of any country to which this section applies for the purpose of being attached temporarily by those authorities to a force of that country:

Provided nevertheless that the power conferred by paragraph (b) shall not be exercisable in relation to any person without his consent.

(2) While a member of any force of a country to which this section applies is

by virtue of this section attached temporarily to a Singapore force, he shall be treated and shall have the like powers of command and punishment over members of the Singapore force to which he is attached and shall be subject in all respects to the law relating to discipline and administration of that force as if he were a member of the force of relative rank:

Provided that the President may by order direct in relation to members of a force of any such country specified in the order, that such law shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.

(3) When a Singapore force and a force of a country to which this section applies (referred to in this subsection as the other force) are serving together whether alone or not —

(a) any member of the other force shall be treated and shall have over members of the Singapore force the like powers of command as if he were a member of the Singapore force of relative rank; and

(b) if the forces are acting in combination, any officer of the other force appointed by the President or in accordance with regulations made by or by authority of the President, to command the combined force, or any part thereof, shall be treated and shall have over members of the Singapore force the like powers of command and punishment and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the Singapore force of relative rank and holding the same command.

(4) For the purpose of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the President and the relative rank of members of the Singapore forces and of other forces shall be such as may be prescribed by regulations made by the President.

PART V SUPPLEMENTARY PROVISIONS

PART V SUPPLEMENTARY PROVISIONS

18 Provisions as to proof of facts by certificate.

Provisions as to proof of facts by certificate.

18.

—(1) For the purposes of this Act —

(a) a certificate issued by or on behalf of the appropriate authority of a country, stating that a body, contingent or detachment of the forces of that country is, or was at a time specified in the certificate, present in Singapore, shall in any proceedings in any court of Singapore be conclusive evidence of the fact so stated; and

(b) where in any such proceedings it is admitted or proved (whether by means of a certificate under paragraph (a) or otherwise) that a body, contingent or detachment of the forces of a country is or was at any time present in Singapore, it shall be assumed in those proceedings, unless the contrary is shown, that the body, contingent or detachment is or was at that time lawfully present in Singapore.

(2) Where in any certificate issued for the purposes of this Act reference is made to a person by name, and in any proceedings in a court of Singapore reference is made to a person by that name (whether as a party to the proceedings or otherwise), the references in the certificate and in the proceedings respectively shall, unless the contrary is proved, be deemed to be references to one and the same person.

(3) Any document purporting to be a certificate issued for the purposes of any provision of this Act, and to be signed by or on behalf of an authority specified therein, shall be received in evidence and shall, unless the contrary is proved, be deemed to be a certificate issued by or on behalf of that authority; and where under the provision in question a certificate is required to be issued by or on behalf of the appropriate authority of a country, and the document purports to be signed by or on behalf of an authority of that country, that authority shall, unless the contrary is proved, be deemed to be the appropriate authority of that country for the purposes of that provision.

