

Gloucestershire Constabulary
Police Headquarters
No.1 Waterwells, Waterwells Drive
Quedgeley, Gloucester. GL2 2AN
www.gloucestershire.police.uk



Your reference:

Our reference: FOI_26_0201 & 26_0324

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 04/06/2026

Dear

Gloucestershire Constabulary Freedom of Information request FOI_26_0201 & 26_0324

On 20/02/2026 you sent an email constituting a request under the Freedom of Information Act asking the following:

The 1952 Visiting Forces Act makes provision for dealing with offences committed by members of visiting military forces (ie naval, army and air forces) from certain foreign countries by their own military prosecutors and courts rather than UK prosecutors and courts.

I have attached the act for your convenience

<https://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/67>

My request only applies to the military service personnel of the United States of America.

I understand that under this act, the government of the United States of America in certain cases will have the primary right to exercise jurisdiction to investigate and prosecute a member of the US military for an offence that is alleged to have occurred in the United Kingdom (ie asserting primacy over the UK authorities).

This process has, for example, been set out in this policy paper published by the Norfolk and Suffolk constabularies.

<https://www.norfolk.police.uk/SysSiteAssets/foi-media/norfolk/policies/visiting-forces-policy.pdf>

Under the act, I would like to ask how many times since January 1 2018 has the government of the United States of America asserted the primary right to exercise jurisdiction (ie primacy) over your force with regard to an offence that is alleged to have been committed by a member of the US visiting forces within your area.

For each occasion, I would like to ask :

1. What was the alleged offence;

2. Where did the alleged offence occur;
3. On what date did the alleged offence occur;
4. Which base or facility was the member of the US visiting force attached to or working at;
5. On what date was the primary right to exercise jurisdiction asserted by the United States of America government;
6. Did the United States of America authorities then investigate the case, or did your force investigate the case.

I understand that if the UK authorities and the government of the United States of America are unable to agree on who should have jurisdiction, the case is referred to the Crown Prosecution Service.

Under the act, I would like to ask - since January 1 2018 - on how many occasions have such cases been referred to the Crown Prosecution Service by your force.

For each occasion, I would like to ask :

- a) What was the alleged offence;
- b) Where did the alleged offence occur;
- c) On what date did the alleged offence occur;
- d) Which base or facility was the member of the US visiting force attached to or working at;
- e) On what date was the case referred to the Crown Prosecution Service;
- f) What was the decision with respect to whether your force or the United States of America authorities should have jurisdiction.

You also submitted the following on 25/03/2026:

I am writing to you with a request under the freedom of information act.

The 1952 Visiting Forces Act makes provision for dealing with offences committed by members of visiting military forces (ie naval, army and air forces) from certain foreign countries by their own military prosecutors and courts rather than UK prosecutors and courts.

My request only applies to the military service personnel of the United States of America. I understand that under this act, the government of the United States of America in certain cases has the primary right to exercise jurisdiction to investigate and prosecute a member of the US military for an offence that is alleged to have occurred in the United Kingdom (ie asserting primacy over the UK authorities).

I understand that this right is asserted by the government of the United States of America by serving a certificate under the 1952 Visiting Forces Act.

The operation of such certificates was, for example, evident in the case of the Crown Prosecution Service (CPS) and Mikayla Hayes who had been charged with the offence of causing death by careless driving on 26 August 2022. She was, at the relevant time, a serving airman with the United States Air Force ('USAF') based at RAF Lakenheath. She was driving in her vehicle after a Physical Training instruction session at the base to her home address located some 30 minutes away from the RAF base. En route, her vehicle was involved in a collision with a motor bike. She raised a preliminary argument in that she argued that the domestic criminal courts of England & Wales had no jurisdiction to try her for the offence she had been charged with. She argued that the USA authorities must try her. This point was litigated - the ruling can be found here <https://www.judiciary.uk/wp-content/uploads/2022/11/Rex-v-Hayes-final-2.pdf>

Under the act, I would like to ask how many times since January 1 2018 has the government of the United States of America served such certificates under the 1952 Visiting Forces Act on your force.

For each occasion, I would like to ask :

- 1) What was the alleged offence;
- 2) Where did the alleged offence occur;
- 3) On what date did the alleged offence occur;
- 4) Which base or facility was the member of the US visiting force attached to or working at;
- 5) On what date was the certificate signed.

Under the act, I would also like to request complete copies of each of these certificates.

Your requests have been aggregated as allowed under Regulation 5(2) of the Fees Regulation.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

If Gloucestershire Constabulary have conducted any investigations under these circumstances, i.e. utilising the act referred to, the crime itself would still be recorded using the Home Office crime recording criteria for the specific offence committed, rather than under the Visiting Forces Act 1952.

As such, there would be no suitable criteria for searching our crime recording system to determine if relevant information is held. A manual review of crime records would be required to identify occasions where these circumstances apply.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1)– Fee Regulations states:

Section 1(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Section 16 – unable to assist

Unfortunately I am unable to provide any assistance under Section 16 of the Freedom of Information Act as I am unable to suggest any way to refine your request to come within the cost constraints of Section 12 of the Act.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post – Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary