

Article 5 (*Jurisdiction*)

7. (1) Except in respect of offences mentioned in (3) of this paragraph, the civil courts of Bermuda shall have the primary right to exercise jurisdiction in respect of any act or omission constituting an offence against law in force in Bermuda alleged to have been committed by a member or dependent.

(2) Subject to the provisions of this Article, the Canadian service authorities may exercise within Bermuda in relation to members and dependents all the criminal and disciplinary jurisdiction that is conferred upon them by the law of Canada.

(3) With respect to the trial of a member for any offence respecting

(a) the property or security of Canada;

(b) the person or property of another member or dependent; or

(c) an act done or anything omitted in the performance of official duty

the Canadian service authorities have the primary right to exercise jurisdiction where, under the law of Canada, Canadian service authorities have power to exercise such jurisdiction within Bermuda.

(4) Where a member or dependent has been tried by a civil court of Bermuda and has been convicted or acquitted, he may not be tried again within Bermuda for the same offence by the Canadian service authorities, but nothing in this subparagraph prevents the Canadian service authorities from trying within Bermuda a member for any violation of rules of discipline arising from an act or omission that constituted an offence for which he was tried by the civil court.

(5) Where a member or dependent has been tried by the Canadian service authorities and has been convicted or acquitted, he may not be tried again by a civil court of Bermuda for the same offence.

(6) Where under (1) or (3) of this paragraph a civil court of Bermuda or a service court of Canada has the primary right to exercise jurisdiction, the court having such primary right shall deal with charges against alleged offenders in the first instance unless such right is waived by the appropriate authority in favour of trial in the other court.

(7) A certificate of the appropriate service authorities of Canada stating that anything alleged to have been done or omitted by a member was or was not done or omitted in the performance of official duty shall be *prima facie* evidence of that fact.

(8) A member may exercise police functions in Bermuda in respect of a person who is a member or dependent.

(9) The authorities of Bermuda and Canada shall assist each other in the arrest of members of the Canadian visiting force or their dependents in Bermuda.

(10) The authorities of Bermuda shall notify promptly the appropriate service authorities of Canada of the arrest of a member or dependent.

(11) The custody of an accused member or dependent over whom Bermuda is to exercise jurisdiction shall, unless otherwise decided by the Canadian service authorities, if he is in the hands of the Canadian service authorities, remain with those authorities until he is charged by the authorities of Bermuda.

(12) The authorities of Bermuda and Canada shall assist each other in the carrying out of all necessary investigations into offences and in the collection and production of evidence, including the appearance of witnesses and the seizure and handing over of objects connected with the offence.