

- (b) a matter in respect of which judgment was given against a member of a visiting force arose while he was acting within the scope of his duties or employment,

the question shall be submitted to an arbitrator appointed in accordance with subsection (2), and for the purposes of this Part the decision of the arbitrator is final and conclusive. 5

Appointing
arbitrator.

(2) An arbitrator shall be appointed for the purposes of this section by agreement between the designated state concerned and Canada from among the nationals of Canada who hold or have held high judicial office, and if the designated state and Canada are unable, within two months, to agree upon the arbitrator, either the designated state or Canada may request any person designated in an agreement with the designated state or acceptable to the designated state and Canada to appoint the arbitrator from among the nationals of Canada who have held high judicial office. 10 15

PART IV.

SECURITY PROVISIONS.

*Official
Secrets Act
applicable.*

20. Subject to section 21, the *Official Secrets Act* applies and shall be construed as applying in respect of a designated state as though 20

- (a) a reference in that Act to "office under Her Majesty" included any office or employment in or under any department or branch of the government of a designated state; 25

- (b) a reference in that Act to "prohibited place" included

- (i) any work of defence belonging to or occupied or used by or on behalf of a designated state including arsenals, armed forces establishments or stations, factories, dock-yards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places, other than diplomatic premises of designated states, used for the purpose of building, repairing, making or storing any munitions of war or any sketches, plans, models, or documents relating thereto, or for the purpose of getting any metals, oil or minerals of use in time of war, and 30 35 40

- (ii) any place, not belonging to a designated state, where any munitions of war or any sketches, models, plans or documents 45