



# Ministry of Defence

Our Ref: FOI2017/11669

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Telephone: [REDACTED]

E-mail: [REDACTED]

[REDACTED]

4 December 2017

e-mail: [REDACTED]

Dear [REDACTED]

I am writing further to your e-mail dated 16 November 2017. Your correspondence has been treated as a request for information under the Freedom of Information Act 2000, and for ease of reference I have repeated your request in full:

*“What arrangements cover a) the presence of US military and civilian personnel and equipment at RAF Menwith Hill and b) the use of RAF Menwith Hill by the US military and civilians. Please provide me with a copy of all the arrangements. If it is not possible to provide me with copies, please provide me with a) the official titles of the arrangements, b) the date at which they were agreed upon and c) the date(s) on which they were amended (if any)”.*

RAF Menwith Hill is made available for use by the United States Visiting Forces (USVF) under the terms of the NATO Status of Forces Agreement (SOFA) of 1951. The presence of USVF military and civilian personnel and equipment at the base are covered by the NATO SOFA and also the Visiting Forces Act of 1952. I have withheld the NATO SOFA and Visiting Forces Act under the absolute exemption at Section 21 of the Act, which relates to information reasonably accessible to the applicant by other means. These documents are readily available in the public domain at:

<https://www.gov.uk/government/publications/agreement-regarding-the-status-of-forces-of-parties-to-the-north-atlantic-treaty> - NATO SOFA

<http://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/67/contents> - Visiting Forces Act

In 1955 and 1976 assurances were given to the US authorities that RAF Menwith Hill would be made available by the UK Government for a period of 21 years, under what was known as the Security of Tenure Arrangements. These arrangements were given to facilitate the commitment of US funding to the base; they were an administrative mechanism and did not constitute any form of renewable lease for the site. It was decided in 1997 that a further extension of the Security of Tenure Arrangements was not required as the USVF presence at RAF Menwith Hill was by then well established under the terms of the NATO SOFA.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance Team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must

be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <https://ico.org.uk/>.

Yours sincerely

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