

Armed Forces (Statute of Limitations) Bill

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TO

Create statutory limitations on court proceedings against current and former members of the armed forces for certain alleged offences committed during military operations or similar circumstances; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Statute of limitations

- (1) Proceedings against members and former members of the armed forces for murder, manslaughter or culpable homicide shall not be brought in a civilian court if the alleged offence was committed—
- (a) more than 10 years before the date of issue of proceedings; and 5
 - (b) when the accused person was subject to service law, or was a civilian under service discipline, and engaged in a UK armed conflict or peacekeeping operation; and
 - (c) if the alleged offence relates to events which took place in the United Kingdom, the condition in subsection (3) is met. 10
- (2) Proceedings against members and former members of the armed forces for attempt of the above offences shall not be brought in a civilian court if the alleged offence was committed—
- (a) more than 10 years before the date of issue of proceedings; and
 - (b) when the accused person was subject to service law, or was a civilian under service discipline, and engaged in a UK armed conflict or peacekeeping operation; and 15
 - (c) if the alleged offence relates to events which took place in the United Kingdom, the condition in subsection (3) is met.
- (3) The condition in this subsection is that the occurrences which might (but for the provisions of this section) give rise to proceedings have been the subject of an investigation by—
- (a) a service police force or a UK police force, 20
 - (b) a coroner, or
 - (c) a procurator fiscal. 25

2 Calculation of the limitation period

In calculating the period of more than 10 years for the purposes of section 1, no regard shall be had to periods of time in which the accused person was subject to service law and—

- (a) was absent without leave or fleeing justice; or 5
- (b) trial of the offence was deemed by the relevant public prosecutor to be inappropriate because the armed conflict had not ceased.

3 Interpretation

(1) In this Act—

“armed forces” shall mean “the regular forces” and “the reserve forces” as defined in section 374 of the Armed Forces Act 2006 (definitions applying for purposes of whole Act); 10

“civilian court” shall have the meaning given in section 374 of the Armed Forces Act 2006 (definitions applying for purposes of whole Act);

“coroner” means— 15

(a) a coroner or deputy coroner appointed under section 2 of the Coroners Act (Northern Ireland) 1959,

(b) a coroner appointed under section 1 of the Coroners Act 1998, or

(c) a senior coroner, area coroner or assistant coroner appointed under the Coroners and Justice Act 2009; 20

“procurator fiscal” has the meaning given by section 40 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;

“service police force” has the meaning given by section 375(1) of the Armed Forces Act 2006 (definitions relating to police forces)”; 25

“UK police force” has the meaning given by section 375(2) of the Armed Forces Act 2006 (definitions relating to police forces)”. 25

4 Extent, commencement and short title

(1) This Act extends to England and Wales, Scotland and Northern Ireland.

(2) This Act comes into force at the end of the period of two months beginning with the day on which this Act is passed. 30

(3) This Act may be cited as the Armed Forces (Statute of Limitations) Act 2018.

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To create statutory limitations on court proceedings against current and former members of the armed forces for certain alleged offences committed during military operations or similar circumstances; and for connected purposes.

*Ordered to be brought in by Richard Benyon,
Richard Drax, Emma Little Pengelly,
Dr Julian Lewis, Johnny Mercer,
Mrs Madeleine Moon, Jim Shannon,
Bob Stewart, Leo Docherty,
Mr Kevan Jones, Sir Nicholas Soames
and James Gray.*

*Ordered, by The House of Commons,
to be Printed, 1st November 2017.*

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