



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 23 October 2020

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

CONSIDERATION OF BILL (REPORT STAGE)

OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

11

☆ Page 1, line 4, leave out Clause 1

Member's explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

18

☆ Clause 1, page 2, line 2, leave out "5" and insert "10"

Member's explanatory statement

This amendment is one of two providing that the presumption against prosecution should apply after 10 years (instead of 5 years).

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Overseas Operations (Service Personnel and Veterans) Bill, *continued*

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

19

- ☆ Clause 1, page 2, line 4, leave out “5” and insert “10”

Member’s explanatory statement

This amendment is one of two providing that the presumption against prosecution should apply after 10 years (instead of 5 years).

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

12

- ☆ Page 2, line 12, leave out Clause 2

Member’s explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

13

- ☆ Page 2, line 18, leave out Clause 3

Member’s explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

21

- ☆ Clause 3, page 2, leave out lines 23 to 29

Member’s explanatory statement

This amendment is one of two that together would delete the requirement for a prosecutor to give “particular weight” in a prosecution decision after 5 years to the adverse effect on a person of the conditions the person was exposed to during deployment.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

22

- ☆ Clause 3, page 2, leave out lines 34 to 43

Member’s explanatory statement

This amendment is one of two that together would delete the requirement for a prosecutor to give

Overseas Operations (Service Personnel and Veterans) Bill, continued

“particular weight” in a prosecution decision after 5 years to the adverse effect on a person of the conditions the person was exposed to during deployment.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

14

☆ Page 3, line 1, leave out Clause 4

Member’s explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

15

☆ Page 3, line 15, leave out Clause 5

Member’s explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

16

☆ Page 3, line 40, leave out Clause 6

Member’s explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

20

☆ Clause 6, page 4, line 13, at end insert—

“(2A) An offence is not a “relevant offence” if it amounts to—

(a) torture, within the meaning of section 134 Criminal Justice Act 1988; or

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Overseas Operations (Service Personnel and Veterans) Bill, *continued*

- (b) genocide, a crime against humanity or a war crime as defined in section 50 of the International Criminal Court Act 2001.”

Member’s explanatory statement

This amendment provides that the presumption against prosecution does not apply to war crimes, crimes against humanity, genocide or torture.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

17

- ☆ Page 4, line 27, leave out Clause 7

Member’s explanatory statement

Part 1 of the Bill introduces restrictions on prosecution for certain offences, including a presumption against prosecution. This amendment is one of a series that would remove Part 1 from the Bill.

Ms Harriet Harman
Joanna Cherry
Ms Karen Buck

23

- ☆ Page 6, line 38, leave out Clause 11

Member’s explanatory statement

This clause would introduce a hard deadline for human rights claims and also includes detailed provision around the impact of proceedings on the mental health of Armed Forces witnesses. This amendment deletes this clause from the bill.

Mr David Davis
Dan Jarvis

1

- ☆ Schedule 1, page 12, line 6, at end insert—

“(13A) An offence under section 134 of the Criminal Justice Act 1988 (torture).”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

2

- ☆ Schedule 1, page 12, line 40, leave out “or” and insert—

“(b) a crime against humanity within article 7.1(f),

(c) a crime against humanity within article 7.1(i)

Overseas Operations (Service Personnel and Veterans) Bill, continued

(d) a crime against humanity within article 7.1(k), or”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

3

☆ Schedule 1, page 12, line 42, leave out “or” and insert—

“(ii) article 8.2(a)(ii) (which relates to international conflict),

(iii) article 8.2(b)(xxi) (which relates to international conflict), or”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

4

☆ Schedule 1, page 13, line 2, at end insert “, or

(iv) article 8.2(c)(i) (which relates to armed conflicts not of an international character) insofar as it relates to the offences of cruel treatment and torture,

(v) article 8.2(c)(ii) (which relates to armed conflicts not of an international character).”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

5

☆ Schedule 1, page 13, line 14, leave out “or” and insert—

“(b) a crime against humanity within article 7.1(f),

(c) a crime against humanity within article 7.1(i),

(d) a crime against humanity within article 7.1(k), or”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Overseas Operations (Service Personnel and Veterans) Bill, continued

Mr David Davis
Dan Jarvis

6

☆ Schedule 1, page 13, line 16, leave out “or” and insert—

- “(ii) article 8.2(a)(ii) ((which relates to international conflict),
- (iii) article 8.2(b)(xxi) (which relates to international conflict), or”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

7

☆ Schedule 1, page 13, line 18, at end insert—

- “(iii) article 8.2(c)(i) (which relates to armed conflicts not of an international character) insofar as it relates to the offences of cruel treatment and torture,
- (iv) article 8.2(c)(ii) (which relates to armed conflicts not of an international character).”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

8

☆ Schedule 1, page 14, line 8, leave out “or” and insert—

- “(b) a crime against humanity within article 7.1(f),
- (c) a crime against humanity within article 7.1(i),
- (d) a crime against humanity within article 7.1(k), or”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

9

☆ Schedule 1, page 14, line 10, leave out “or” and insert—

- “(iii) article 8.2(a)(ii) ((which relates to international conflict),
- (iv) article 8.2(b)(xxi) (which relates to international conflict), or”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal

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Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

Mr David Davis
Dan Jarvis

10

☆ Schedule 1, page 14, line 12, at end insert—

- “(iii) article 8.2(c)(i) (which relates to armed conflicts not of an international character) insofar as it relates to the offences of cruel treatment and torture, or
- (iv) article 8.2(c)(ii) (which relates to armed conflicts not of an international character).”

Member’s explanatory statement

This amendment is one of a series designed to ensure that the Bill’s “triple lock” provisions to block prosecutions would not apply to torture and related offences under UK law. This suite of amendments would ensure that the existing offences of torture – contained in the 1988 Criminal Justice Act and in other parts of UK law incorporating longstanding laws of war – would not be included within the Bill’s “triple lock” against prosecutions of UK soldiers.

ORDER OF THE HOUSE [23 SEPTEMBER 2020]

That the following provisions shall apply to the Overseas Operations (Service Personnel and Veterans) Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 22 October 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.