



House of Commons

Tuesday 20 October 2020

PUBLIC BILL COMMITTEE PROCEEDINGS

OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL

[FIRST TO EIGHTH SITTINGS]

GLOSSARY

This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Added: New Clause agreed without a vote and added to the Bill.

Agreed to: agreed without a vote.

Agreed to on division: agreed following a vote.

Negatived: rejected without a vote.

Negatived on division: rejected following a vote.

Not called: debated in a group of amendments, but not put to a decision.

Not moved: not debated or put to a decision.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.

[FIRST AND SECOND SITTINGS]

Johnny Mercer

Agreed to

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 6 October) meet—
 - (a) at 2.00 pm on Tuesday 6 October;
 - (b) at 11.30 am and 2.30 pm on Thursday 8 October;
 - (c) at 9.25 am and 2.00 pm on Wednesday 14 October;
 - (d) at 9.25 am and 2.00 pm on Tuesday 20 October;
 - (e) at 11.30 am and 2.00 pm on Thursday 22 October;

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

- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 6 October	Until no later than 10.30 am	British Armed Forces Federation Armed Forces Support Group
Tuesday 6 October	Until no later than 11.00 am	Hilary Meredith Solicitors Limited
Tuesday 6 October	Until no later than 11.25 am	Major Robert Campbell
Tuesday 6 October	Until no later than 3.00 pm	Professor Richard Ekins, Policy Exchange Dr Jonathan Morgan, University of Cambridge John Larkin QC, Policy Exchange
Tuesday 6 October	Until no later than 4.00 pm	Association of Personal Injury Lawyers Centre for Military Justice
Tuesday 6 October	Until no later than 5.00 pm	Liberty Human Rights Watch
Thursday 8 October	Until no later than 12.15 pm	Cobseo - the Confederation of Service Charities The Royal British Legion
Thursday 8 October	Until no later than 1.00 pm	General Sir Nick Parker
Thursday 8 October	Until no later than 3.15 pm	Princess of Wales's Royal Regiment Association
Thursday 8 October	Until no later than 4.00 pm	His Honour Judge Jeff Blackett, Judge Advocate General

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 6; Schedule 1; Clauses 7 and 8; Schedule 2; Clause 9; Schedule 3; Clause 10; Schedule 4; Clauses 11 to 16; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 22 October.
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Overseas Operations (Service Personnel and Veterans) Bill, continued

Johnny Mercer

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Agreed to

Johnny Mercer

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Agreed to

The following witnesses gave oral evidence:

Douglas Young, British Armed Forces Federation; Michael Sutcliff, Armed Forces support Group; Hilary Meredith, Hilary Meredith Solicitors; Major Robert Campbell, Professor Richard Ekins, Policy Exchange; Dr Jonathan Morgan, Corpus Christi College, Cambridge; John Larkin QC, Ahmed Al-Nahhas, Association of Personal Injury Lawyers; Emma Norton, Centre for Military Justice; Martha Spurrier, Liberty; Clive Baldwin, Human Rights Watch.

[THIRD AND FOURTH SITTINGS]

The following witnesses gave oral evidence:

General Sir John McColl, Cobseo, the Confederation of Service Charities and Charles Byrne, Royal British Legion; General Sir Nick Parker; Colonel Chris Parker, Princess of Wales's Royal Regiment Association; His Honour Judge Jeff Blackett, former Judge Advocate General.

[FIFTH AND SIXTH SITTINGS]

Clause 3, Amendment 1, Mr Kevan Jones

Amendment (No. 1) proposed, in page 2, line 20, leave out “(so far as they tend to reduce the person’s culpability or otherwise tend against prosecution)”

Question proposed, That the Amendment be made.

Withdrawn

Stephen Morgan
Chris Evans

Withdrawn after debate 23

Clause 1, page 2, line 1, at end insert—

“(ba) operating weapon-bearing UAVs (Unmanned Aerial Vehicles) or RPAS (Remotely Piloted Aerial Systems) from the British Islands in support of overseas operations.”

Stephen Morgan
Chris Evans

Negatived on division 25

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

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

Martin Docherty-Hughes
Carol Monaghan

Negated on division 14

Clause 1, page 2, line 2, leave out “the day on which the alleged conduct took place” and insert “the day on which the first investigation relevant to the alleged conduct concluded”

Stephen Morgan

Negated on division 26

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

Clause agreed to on division.

Stephen Morgan

Not selected 55

Page 2, line 12, leave out Clause 2

Clause agreed to.

Mr Kevan Jones
Martin Docherty-Hughes
Carol Monaghan

Question proposed 1

Clause 3, page 2, line 20, leave out “(so far as they tend to reduce the person’s culpability or otherwise tend against prosecution)”

Member’s explanatory statement

This amendment would ensure that, in giving particular weight to the matters in subsection (2), a prosecutor may consider whether any matter tends to reduce or increase culpability, tending against or in favour of prosecution respectively.

[SEVENTH AND EIGHTH SITTINGS]

Clause 3, Amendment 1, Mr Kevan Jones

Withdrawn

Amendment (No. 1) proposed, in page 2, line 20, leave out “(so far as they tend to reduce the person’s culpability or otherwise tend against prosecution)”

Question proposed, That the Amendment be made.

Mr Kevan Jones

Not moved 2

Clause 3, page 2, line 33, at end insert—

Overseas Operations (Service Personnel and Veterans) Bill, continued

“(ba) the thoroughness, promptness and efficacy of any ongoing investigation into the alleged conduct or any relevant previous investigation, and the reasons for any delays in such investigations;”

Member’s explanatory statement

This amendment would ensure that the adequacy of any investigative process to date is given particular weight by a relevant prosecutor.

Stephen Morgan
Chris Evans

Not moved 56

Clause 3, page 2, line 33, at end insert—

“(ba) the quality and duration of relevant investigations.”

Member’s explanatory statement

This amendment would require prosecutors to give weight to the quality and duration of relevant investigations when deciding whether to bring or continue proceedings against a person relating to alleged conduct during overseas operations.

Mr Kevan Jones
Martin Docherty-Hughes
Carol Monaghan

Not moved 3

Clause 3, page 2, line 33, at end insert—

“(bb) the public interest in maintaining public trust in the criminal justice system and upholding the principle of accountability of the Armed Forces;”

Member’s explanatory statement

This amendment would ensure that a relevant prosecutor gives particular weight to maintaining public trust in the criminal justice system and upholding the principle of accountability of the Armed Forces.

Mr Kevan Jones
Martin Docherty-Hughes
Carol Monaghan

Not moved 4

Clause 3, page 2, line 33, at end insert—

“(bc) the nature of the alleged conduct, in particular whether it engaged the obligations of the United Kingdom under Articles 2, 3, 4 or 5 of the European Convention on Human Rights;”

Member’s explanatory statement

This amendment would ensure that particular weight is given by a prosecutor where the alleged conduct engages the UK’s obligations under Article 2 (right to life), Article 3 (prohibition on torture and inhuman or degrading treatment), Article 4 (prohibition of slavery and forced labour) or Article 5 (prohibition of arbitrary detention) ECHR.

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

Mr Kevan Jones

Not moved 5

Clause 3, page 2, line 33, at end insert—

“(bd) whether the person had command responsibility for the alleged conduct, and to what extent;”

Clause agreed to.

Clause 4 agreed to.

Stephen Morgan
Chris Evans

Not moved 27

Clause 5, page 3, line 19, leave out “5” and insert “10”

Martin Docherty-Hughes
Carol Monaghan

Negated on division 10

Clause 5, page 3, line 23, leave out “Attorney General” and insert “Director of Public Prosecutions”

Martin Docherty-Hughes
Carol Monaghan

Not called 11

Clause 5, page 3, line 26, leave out “Attorney General” and insert “Director of Public Prosecutions”

Martin Docherty-Hughes
Carol Monaghan

Negated on division 22

Clause 5, page 3, line 29, at end insert—

“(c) where the offence is punishable with a criminal penalty by the law of Scotland, except with the consent of the Lord Advocate.”

Stephen Morgan
Chris Evans

Not called 24

Clause 5, page 3, line 29, at end insert—

“(3A) Where the consent of the Attorney General is sought under subsection (2) or (3) above, the Attorney General must prepare a report containing his reasons for granting or withholding consent, as the case may be, with reference to sections 1 to 3 of this Act, and must lay a copy of this report before Parliament.”

Overseas Operations (Service Personnel and Veterans) Bill, continued

Stephen Morgan
Chris Evans

Not called 28

Clause 5, page 3, line 36, leave out “5” and insert “10”

Clause agreed to.

Martin Docherty-Hughes
Carol Monaghan

Not called 13

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

“(3A) A service offence is not a “relevant offence” if it is an offence whose prosecution is required under the United Kingdom’s international treaty obligations.”

Clause agreed to.

Stephen Morgan
Chris Evans

Not called 58

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

“13A An offence under section 1 of the Geneva Conventions Act 1957 (grave breaches of the Geneva Conventions).

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

Member’s explanatory statement

This amendment adds to Schedule 1 specific reference to existing domestic offences in relation to torture, genocide, crimes against humanity, and grave breaches of the Geneva Conventions, in a similar way to the treatment of sexual offences.

Stephen Morgan
Chris Evans

Not called 59

Schedule 1, page 12, line 39, at end insert—

“(za) an act of genocide under article 6, or”

Member’s explanatory statement

This amendment would ensure that acts of genocide are also excluded from the Bill, alongside sexual offences.

Stephen Morgan
Chris Evans

Not called 60

Schedule 1, page 12, line 40, leave out “a crime against humanity within article 7.1(g)” and insert “a crime against humanity within article 7.1(a)-(k)”

Member’s explanatory statement

This amendment would ensure that crimes against humanity are also excluded from the Bill, alongside sexual offences.

Overseas Operations (Service Personnel and Veterans) Bill, continued

Stephen Morgan
Chris Evans

Not called 61

Schedule 1, page 12, line 41, leave out from beginning to end of line 2 on page 13 and insert—

“(b) a war crime within article 8.2(a) (which relates to grave breaches of the Geneva Conventions).”

Stephen Morgan
Chris Evans

Not called 62

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

“(za) an act of genocide under article 6, or”

Stephen Morgan
Chris Evans

Not called 63

Schedule 1, page 13, line 14, leave out “a crime against humanity within article 7.1(g)” and insert “a crime against humanity within article 7.1(a)-(k)”

Stephen Morgan
Chris Evans

Not called 64

Schedule 1, page 13, leave out lines 15 to 18 and insert—

“(b) a war crime within article 8.2(a) (which relates to grave breaches of the Geneva Conventions).”

Stephen Morgan
Chris Evans

Not called 65

Schedule 1, page 14, line 7, at end insert—

“(za) an act of genocide under article 6, or”

Stephen Morgan
Chris Evans

Not called 66

Schedule 1, page 14, line 8, leave out “a crime against humanity within article 7.1(g)” and insert “a crime against humanity within article 7.1(a)-(k)”

Stephen Morgan
Chris Evans

Not called 67

Schedule 1, page 14, leave out lines 9 to 12 and insert—

“(b) a war crime within article 8.2(a) (which relates to grave breaches of the Geneva Conventions).”

Schedule agreed to.

Clause 7 agreed to.

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

Martin Docherty-Hughes
Carol Monaghan

Not selected 15

Page 6, line 4, leave out Clause 8

Clause agreed to.

Stephen Morgan
Chris Evans

Withdrawn 29

Schedule 2, page 16, line 4, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans

Withdrawn 76

Schedule 2, page 16, line 5, leave out “the section 11 relevant date” and insert “the date of knowledge”

Stephen Morgan
Chris Evans

Question proposed 69

Schedule 2, page 16, line 5, at end insert “except where it appears to the court that it would be equitable to do so having regard to the reasons for the delay, in particular whether the delay resulted from—

- (c) the nature of the injuries;
- (d) logistical difficulties in securing the services required to bring a claim, so long as the claimant was making all reasonable attempts to secure such services, or
- (e) any other reasons outside the control of the person bringing the claim.”

[Adjourned until Thursday at 11.30am