



House of Commons

Thursday 22 October 2020

PUBLIC BILL COMMITTEE PROCEEDINGS

OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL

[FIRST TO TENTH 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Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.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)”

[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—

“(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;”

Overseas Operations (Service Personnel and Veterans) Bill, continued

Stephen Morgan
Chris Evans

Not moved 56

Clause 3, page 2, line 33, at end insert—
“(ba) the quality and duration of relevant investigations.”

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;”

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;”

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”

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

Martin Docherty-Hughes
Carol Monaghan

Negatived 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.”

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).”

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”

Overseas Operations (Service Personnel and Veterans) Bill, continued

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)”

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)”

Overseas Operations (Service Personnel and Veterans) Bill, continued

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.

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.”
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Overseas Operations (Service Personnel and Veterans) Bill, *continued**[NINTH AND TENTH SITTINGS]*Stephen Morgan
Chris Evans*Withdrawn 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—

- (f) the nature of the injuries;
- (g) 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
- (h) any other reasons outside the control of the person bringing the claim.”

Mr Kevan Jones

Not called 93

Schedule 2, page 16, line 5, at end insert “save for exceptional cases where the overriding interest of justice should be served.”

Stephen Morgan
Chris Evans*Not called 77*

Schedule 2, page 16, line 30, leave out “the section 11 relevant date (ignoring, for this purpose, the reference to section 11 (5) in paragraph (a) of the definition of that term)” and insert “the date of knowledge”

Stephen Morgan
Chris Evans*Not called 30*

Schedule 2, page 16, line 35, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans*Not called 78*

Schedule 2, page 16, line 35, leave out “the section 12 relevant date“ and insert “the date of knowledge”

Stephen Morgan
Chris Evans*Not called 70*

Schedule 2, page 16, line 36, at end insert—

“(2C) Subsections (2A) and (2B) shall not apply where it appears to the court this would be equitable having regard to the reasons for the delay, in particular whether the delay resulted from—

- (a) the nature of the injuries;
- (b) 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
- (c) any other reasons outside the control of the person bringing the claim.”

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

Stephen Morgan
Chris Evans

Withdrawn **89**

Schedule 2, page 17, line 5, at end insert—

“(c) the court must also have particular regard to the importance of the proceedings in securing the rights of the claimant.”

Stephen Morgan
Chris Evans

Not called **31**

Schedule 2, page 17, line 16, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans

Not called **79**

Schedule 2, page 17, leave out from the beginning of line 35 to end of line 5 on page 18, and insert—

““the date of knowledge” means the date on which the person bringing the proceedings first knew, or first ought to have known—

- (a) of the act complained of;
- (b) that it was an act of the Ministry of Defence or the Secretary of State for Defence;
- (c) of the manifestation of the injury resulting from that act which is the subject of the claim, and
- (d) that they were eligible to bring a claim against the Ministry of Defence or Secretary of State for Defence in the courts of the United Kingdom.”

Stephen Morgan
Chris Evans

Not called **32**

Schedule 2, page 18, line 34, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans

Not called **33**

Schedule 2, page 19, line 18, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans

Not called **34**

Schedule 2, page 19, line 26, leave out “six” and insert “ten”

Schedule agreed to.

Overseas Operations (Service Personnel and Veterans) Bill, continued

Martin Docherty-Hughes
Carol Monaghan

Not selected 16

Page 6, line 15, leave out Clause 9

Clause agreed to.

Stephen Morgan
Chris Evans

Not called 90

Schedule 3, page 20, line 32, at end insert—

“(c) the importance of the proceedings in securing the rights of the claimant.”

Stephen Morgan
Chris Evans

Not called 35

Schedule 3, page 20, line 40, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 80

Schedule 3, page 20, line 41, leave out “the section 17 relevant date” and insert “the date of knowledge (see subsection (13))”

Stephen Morgan
Chris Evans

Not called 36

Schedule 3, page 21, line 3, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 81

Schedule 3, page 21, line 4, leave out “the section 18 relevant date” and insert “the date of knowledge (see subsection (13))”

Stephen Morgan
Chris Evans

Not called 37

Schedule 3, page 21, line 8, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 82

Schedule 3, page 21, line 9, leave out “the section 17 relevant date” and insert “the date of knowledge (see subsection (13))”

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

Stephen Morgan
Chris Evans

Not called 71

Schedule 3, page 21, line 9, at end insert—

“(7A) The court may disapply the rules in subsections (5) to (7) 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—

- (a) the nature of the injuries;
- (b) 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
- (c) any other reasons outside the control of the person bringing the claim.”

Stephen Morgan
Chris Evans

Not called 38

Schedule 3, page 21, line 14, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 39

Schedule 3, page 21, line 15, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 40

Schedule 3, page 21, line 19, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 41

Schedule 3, page 21, line 20, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 42

Schedule 3, page 21, line 26, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 43

Schedule 3, page 21, line 27, leave out “6” and insert “10”

Stephen Morgan
Chris Evans

Not called 83

Schedule 3, page 22, leave out lines 12 to 17 and insert—

““the date of knowledge” means the date on which the person bringing the proceedings first knew, or first ought to have known—

- (a) of the act complained of;
- (b) that it was an act of the Ministry of Defence or the Secretary of State for Defence;

Overseas Operations (Service Personnel and Veterans) Bill, continued

- (c) of the manifestation of the injury resulting from that act which is the subject of the claim, and
- (d) that they were eligible to bring a claim against the Ministry of Defence or Secretary of State for Defence in the courts of the United Kingdom.”

Stephen Morgan
Chris Evans

Schedule 3, page 23, line 6, leave out “6” and insert “10”

Not called 44

Stephen Morgan
Chris Evans

Schedule 3, page 23, line 35, leave out “6” and insert “10”

Not called 45

Stephen Morgan
Chris Evans

Schedule 3, page 23, line 36, leave out “6” and insert “10”

Not called 46

Schedule agreed to.

Martin Docherty-Hughes
Carol Monaghan

Page 6, line 26, leave out Clause 10

Not selected 17

Clause agreed to.

Stephen Morgan
Chris Evans

Schedule 4, page 24, line 4, leave out “six” and insert “ten”

Not called 47

Stephen Morgan
Chris Evans

Schedule 4, page 24, line 5, leave out “the Article 7 relevant date” and insert “the date of knowledge”

Not called 84

Stephen Morgan
Chris Evans

Schedule 4, page 24, 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—

Not called 72

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

- (a) the nature of the injuries;
- (b) 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
- (c) any other reasons outside the control of the person bringing the claim.”

Stephen Morgan
Chris Evans

Not called 48

Schedule 4, page 24, line 28, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans

Not called 85

Schedule 4, page 24, line 29, leave out “the Article 7 relevant date (ignoring, for this purpose, the reference to Article 7(5) in paragraph (a) of the definition of that term)” and insert “the date of knowledge”

Stephen Morgan
Chris Evans

Not called 49

Schedule 4, page 24, line 34, leave out “six” and insert “ten”

Stephen Morgan
Chris Evans

Not called 86

Schedule 4, page 24, line 34, leave out “the Article 9 relevant date” and insert “the date of knowledge”

Stephen Morgan
Chris Evans

Not called 91

Schedule 4, page 25, line 5, at end insert—

- “(c) the court must also have particular regard to the importance of the proceedings in securing the rights of the claimant.”

Stephen Morgan
Chris Evans

Not called 50

Schedule 4, page 25, leave out line 16 and insert “ten years is to be treated as a reference to the period of ten years”.

Stephen Morgan
Chris Evans

Not called 87

Schedule 4, page 25, leave out lines 25 to 43 and insert—

““the date of knowledge” means the date on which the person bringing the proceedings first knew, or first ought to have known—

- (a) of the act complained of;
- (b) that it was an act of the Ministry of Defence or the Secretary of State for Defence;
- (c) of the manifestation of the injury resulting from that act which is the subject of the claim, and

Overseas Operations (Service Personnel and Veterans) Bill, continued

- (d) that they were eligible to bring a claim against the Ministry of Defence or Secretary of State for Defence in the courts of the United Kingdom.”

Stephen Morgan
Chris Evans

Schedule 4, page 26, line 36, leave out “6” and insert “10”

Not called 51

Stephen Morgan
Chris Evans

Schedule 4, page 27, line 20, leave out “6” and insert “10”

Not called 52

Stephen Morgan
Chris Evans

Schedule 4, page 27, line 21, leave out “6” and insert “10”

Not called 53

Stephen Morgan
Chris Evans

Schedule 4, page 27, leave out line 27 and insert “10 years is to be treated as a reference to the period of 10 years plus —”.

Not called 54

Schedule agreed to.

Martin Docherty-Hughes
Carol Monaghan

Page 6, line 38, leave out Clause 11

Not selected 18

Stephen Morgan
Chris Evans

Clause 11, page 7, line 23, at end insert—

“(c) the importance of the proceedings in securing the rights of the claimant.”

Not called 88

Stephen Morgan
Chris Evans

Clause 11, page 7, line 30, leave out from “before” to the end of line 34, and insert “the end of the period of 6 years beginning with the date of knowledge.”

Not called 73

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

Stephen Morgan
Chris Evans

Not called 68

Clause 11, page 7, line 34, at end insert—

- “(4A) The court may disapply the rule in subsection (4) 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—
- (a) the nature of the injuries;
 - (b) 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
 - (c) any other reasons outside the control of the person bringing the claim.”

Mr Kevan Jones

Not called 92

Clause 11, page 7, line 36, leave out “or first ought to have known”

Stephen Morgan
Chris Evans

Not called 74

Clause 11, page 7, line 37, leave out “both”

Stephen Morgan
Chris Evans

Not called 75

Clause 11, page 7, line 40, at end insert—

- “(c) of the manifestation of the harm resulting from that act which is the subject of the claim; and
- (d) that they were eligible to bring a claim under the Human Rights Act 1998 against the Ministry of Defence or Secretary of State for Defence in the courts of the United Kingdom.”

Clause agreed to.

Stephen Morgan
Chris Evans

Withdrawn 57

Clause 12, page 8, line 20, at end insert—

- “(1A) No order may be made by the Secretary of State under section 14 following consideration under this section unless a draft of the order has been laid before, and approved by, each House of Parliament.”

Clause agreed to.

Clauses 13 and 14 agreed to.

Overseas Operations (Service Personnel and Veterans) Bill, continued

Martin Docherty-Hughes
Carol Monaghan

Not called 12

Clause 15, page 9, line 21, at end insert “subject to subsection (2A).

“(2A) Before making regulations under subsection (2), the Secretary of State or Lord Chancellor must lay before Parliament the report of an independent review confirming that the Act is in full compliance with the United Kingdom’s international treaty obligations with respect to the prosecution of war crimes and other crimes committed during overseas operations.

(2B) This Act shall cease to have effect at the end of the period of five years beginning with the day on which it is brought into force, unless the Secretary of State or Lord Chancellor has, not fewer than four years after this Act has come into force, laid before Parliament the report of a further independent review confirming that the Act remains in full compliance with the United Kingdom’s international treaty obligations with respect to the prosecution of war crimes and other crimes committed during overseas operations.”

Clause agreed to.

Clause 16 agreed to.

Stephen Morgan
Chris Evans

Not called NC1

To move the following Clause—

“Ability to conduct a fair trial

The principle referred to in section 1(1) is that a relevant prosecutor making a decision to which that section applies may determine that proceedings should be brought against the person for the offence, or, as the case may be, that the proceedings against the person for the offence should be continued, only if the prosecutor has reasonable grounds for believing that the fair trial of the person has not been materially prejudiced by the time elapsed since the alleged conduct took place.”

Stephen Morgan
Chris Evans

Not called NC2

To move the following Clause—

“Restrictions on time limits: actions brought against the Crown by service personnel

Nothing in this Part applies to any action brought against the Crown by a person who is a member or former member of the regular or reserve forces, or of a British

Overseas Operations (Service Personnel and Veterans) Bill, continued

overseas territory force to whom section 369(2) of the Armed Forces Act 2006 (persons subject to service law) applies.”

Stephen Morgan
Chris Evans

Negatived NC3

To move the following Clause—

“Access to legal advice for service personnel

Within 12 months of this Act coming into force, the Secretary of State shall commission an independent evaluation of access to impartial and independent legal advice for members and former members of the regular and reserve forces and of British overseas territory forces to whom section 369(2) of the Armed Forces Act 2006 (persons subject to service law) applies, in relation to legal proceedings in connection with operations of the armed forces outside the British Islands, and lay a copy of the evaluation report before Parliament.”

Stephen Morgan
Chris Evans

Not called NC4

To move the following Clause—

“Access to legal aid for service personnel in criminal proceedings

Within 12 months of this Act coming into force, the Secretary of State shall commission an independent evaluation of access to legal aid for members and former members of the regular and reserve forces and of British overseas territory forces to whom section 369(2) of the Armed Forces Act 2006 (persons subject to service law) applies, in relation to criminal legal proceedings in connection with operations of the armed forces outside the British Islands, and lay a copy of the evaluation report before Parliament.”

Stephen Morgan
Chris Evans

Not called NC5

To move the following Clause—

“Access to legal aid for service personnel in civil proceedings

Within 12 months of this Act coming into force, the Secretary of State shall commission an independent evaluation of access to legal aid for members and former members of the regular and reserve forces and of British overseas territory forces to whom section 369(2) of the Armed Forces Act 2006 (persons subject to

Overseas Operations (Service Personnel and Veterans) Bill, continued

service law) applies, in relation to civil legal proceedings in connection with operations of the armed forces outside the British Islands, and lay a copy of the evaluation report before Parliament.”

Mr Kevan Jones

Not called NC6

To move the following Clause—

“Judicial oversight of investigations

- (1) This section applies to any investigation by a police force into alleged conduct as described in subsection 3 of section 1.
 - (2) The police force investigating the conduct must place their preliminary findings before an allocated judge advocate as soon as possible, but no later than 6 months after the alleged offence was brought to their attention.
 - (3) The judge advocate shall have the power to determine—
 - (a) that no serious, permanent or lasting psychological or physical injury has been caused; and order that the investigation should cease;
 - (b) that the evidence is of a tenuous character because of weakness or vagueness or because of inconsistencies with other evidence, and that it is not in the interests of justice to continue an investigation; and order that the investigation should cease; or
 - (c) that there is merit in the complaint; and make directions as to the timetable and extent of further investigation.”
-

Mr Kevan Jones

Not called NC7

To move the following Clause—

“Limitation on reinvestigation

- (1) This section applies where—
 - (a) a person has been acquitted of an offence relating to conduct on overseas operations, or
 - (b) a determination has been made that an investigation into an offence relating to such conduct should cease under section (*Judicial oversight of investigations*).
 - (2) No further investigation into the alleged conduct shall be commenced unless—
 - (a) compelling new evidence has become available, and
 - (b) an allocated judge advocate determines that the totality of the evidence against the accused is sufficiently strong that there is a real possibility that it would support a conviction.”
-

Overseas Operations (Service Personnel and Veterans) Bill, continued

Mr Kevan Jones

Not called NC8

To move the following Clause—

“Limitation of time for minor offences

No proceedings shall be brought against any person in relation to a relevant offence, where—

- (a) the condition set out in subsection 3 of section 1 is satisfied,
 - (b) the offence is subject to summary conviction only, or is one in the commission of which no serious, permanent or lasting psychological or physical injury has been caused, and
 - (c) a period of six months has passed from the time the offence was committed or discovered.”
-

Mr Kevan Jones

Not called NC9

To move the following Clause—

“Access to justice for service personnel

Within 12 months of this Act coming into force, the Secretary of State shall commission an independent evaluation comparing—

- (a) access to justice for members and former members of the regular and reserve forces and of British overseas territory forces to whom section 369(2) of the Armed Forces Act 2006 (persons subject to service law) applies, in relation to legal proceedings in connection with operations of the armed forces outside the British Islands, with
 - (b) access to justice for asylum seekers and prisoners seeking to bring an action against the Crown.”
-

Stephen Morgan
Chris Evans*Not called* NC10

To move the following Clause—

“Duty of care to service personnel

- (1) The Secretary of State shall establish a duty of care standard in relation to legal, pastoral and mental health support provided to service personnel involved in investigations or litigation arising from overseas operations, as defined in subsection (6) of section 1.
- (2) The Secretary of State shall lay a copy of this standard before Parliament within six months of the date on which this Act receives Royal Assent.
- (3) The Secretary of State shall thereafter in each calendar year—
 - (a) prepare a duty of care report; and
 - (b) lay a copy of the report before Parliament.

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

- (4) The duty of care report is a report about the continuous process of review and improvement to meet the duty of care standard established in subsection (1), in particular in relation to incidents arising from overseas operations of—
 - (a) litigation and investigations brought against service personnel for allegations of criminal misconduct and wrongdoing;
 - (b) civil litigation brought by service personnel against the Ministry of Defence for negligence and personal injury;
 - (c) judicial reviews and inquiries into allegations of misconduct by service personnel;
 - (d) in such other fields as the Secretary of State may determine.
- (5) In preparing a duty of care report the Secretary of State must have regard to, and publish relevant data in relation to (in respect of overseas operations)—
 - (a) the adequacy of legal, welfare and mental health support services provided to service personnel who are accused of crimes;
 - (b) complaints made by service personnel and, or their legal representation when in the process of bringing or attempting to bring civil claims against the Ministry of Defence for negligence and personal injury;
 - (c) complaints made by service personnel and, or their legal representation when in the process of investigation or litigation for an accusation of misconduct;
 - (d) meeting national care standards and safeguarding to families of service personnel, where relevant.
- (6) In section (1) “service personnel” means—
 - (a) members of the regular forces and the reserve forces;
 - (b) members of British overseas territory forces who are subject to service law;
 - (c) former members of any of Her Majesty’s forces who are ordinarily resident in the United Kingdom; and
 - (d) where relevant, family members of any person meeting the definition within (a), (b) or (c).”
- (7) In subsection (1) “Duty of Care” means both the legal and moral obligation of the Ministry of Defence to ensure the wellbeing of service personnel.
- (8) None of the provisions contained within this clause shall be used to alter the principle of Combat Immunity.

Bill to be reported.