

# Overseas Operations (Service Personnel and Veterans) Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

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**After Clause 12**

LORD FALCONER OF THOROTON

Insert the following new 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 territory force to whom section 369(2) of the Armed Forces Act 2006 (members of British overseas territories’ forces serving with UK forces) applies.”

*Member’s explanatory statement*

*This new Clause amends Part 2 of the Bill so that it explicitly excludes actions brought against the Crown by serving or former service personnel from the limitations on courts’ discretion that the Part imposes in respect of actions relating to overseas operations.*

LORD DANNATT  
LORD STIRRUP  
LORD BOYCE  
LORD TUNNICLIFFE

Insert the following new Clause—

**“Duty of care to service personnel**

- (1) The Secretary of State must 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 must lay a copy of this standard before Parliament within six months of the date on which this Act is passed.
- (3) The Secretary of State must thereafter in each calendar year—
  - (a) prepare a duty of care update, and
  - (b) include the update in the Armed Forces Covenant annual report when it is laid before Parliament.

**After Clause 12 - continued**

- (4) The duty of care update is a review about the continuous process 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) such other related fields as the Secretary of State may determine.
- (5) In preparing a duty of care update 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 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 or their legal representation when in the process of investigation or litigation for an accusation of misconduct;
  - (d) meeting national standards of care and safeguarding for families of service personnel, where relevant.
- (6) In subsection (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 paragraph (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 of this section may be used to alter the principle of combat immunity.”

***Member’s explanatory statement***

*This new Clause will require the Ministry of Defence to identify a new duty of care to create a new standard for policy, services and training in relation to legal, pastoral and mental health support provided to service personnel involved in investigations or litigations arising from overseas operations, and to include a duty of care update in the Armed Forces Covenant Annual Report.*

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*22 March 2021*

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