

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) BILL

Seventh Sitting

Tuesday 20 October 2020

(Morning)

CONTENTS

CLAUSES 3 TO 6 agreed to.

SCHEDULE 1 agreed to.

CLAUSE 8 under consideration when the Committee adjourned till this day
at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 24 October 2020

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The Committee consisted of the following Members:*Chairs:* DAVID MUNDELL, † GRAHAM STRINGER

† Anderson, Stuart (*Wolverhampton South West*) (Con)
 † Atherton, Sarah (*Wrexham*) (Con)
 † Brereton, Jack (*Stoke-on-Trent South*) (Con)
 † Dines, Miss Sarah (*Derbyshire Dales*) (Con)
 † Docherty, Leo (*Aldershot*) (Con)
 Docherty-Hughes, Martin (*West Dunbartonshire*) (SNP)
 † Eastwood, Mark (*Dewsbury*) (Con)
 † Evans, Chris (*Islwyn*) (Lab/Co-op)
 † Gibson, Peter (*Darlington*) (Con)
 † Jones, Mr Kevan (*North Durham*) (Lab)

† Lewell-Buck, Mrs Emma (*South Shields*) (Lab)
 † Lopresti, Jack (*Filton and Bradley Stoke*) (Con)
 † Mercer, Johnny (*Minister for Defence People and Veterans*)
 † Monaghan, Carol (*Glasgow North West*) (SNP)
 † Morgan, Stephen (*Portsmouth South*) (Lab)
 † Morrissey, Joy (*Beaconsfield*) (Con)
 † Twist, Liz (*Blaydon*) (Lab)

Steven Mark, Sarah Thatcher, *Committee Clerks*

† **attended the Committee**

Public Bill Committee

Tuesday 20 October 2020

(Morning)

[GRAHAM STRINGER *in the Chair*]

Overseas Operations (Service Personnel and Veterans) Bill

9.25 am

The Chair: Before we begin, I remind members of the Committee that I expect social distancing to be respected; I will stop proceedings if I see people breaking the social distancing rules. Members must remember to switch electronic devices off or to silent. If colleagues have prepared speaking notes, it would be helpful to our colleagues at *Hansard* if you emailed them to hansardnotes@parliament.uk.

We will continue our line-by-line consideration of the Bill. The selection list for today's sitting is available on the table.

Clause 3

MATTERS TO BE GIVEN PARTICULAR WEIGHT

Amendment proposed (14 October): 1, in clause 3, page 2, line 20, leave out

'(so far as they tend to reduce the person's culpability or otherwise tend against prosecution).— (*Mr Kevan Jones.*)

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.

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 3, in 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;'

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.

Amendment 4, in 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;'

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.

Amendment 5, in clause 3, page 2, line 33, at end insert—

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

This amendment would ensure that particular weight is given by a relevant prosecutor where the person had command responsibility for the alleged conduct.

Amendment 13, in 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.'

This amendment would exclude the prosecution of serious international crimes (such as torture, genocide, crimes against humanity, and certain war crimes) from the limitations otherwise imposed by the Bill.

Amendment 58, in 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).'

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.

Amendment 6, in schedule 1, page 12, line 38, leave out paragraph 17 and insert—

'17 An offence under Part 5 (Offences under domestic law) of the International Criminal Court Act 2001 as it relates to the law of England and Wales.'

This amendment would mean that all offences listed in Part 1 of the International Criminal Courts Act 2001 as they related to the law of England and Wales would be excluded offences, without restriction.

Amendment 59, in schedule 1, page 12, line 39, at end insert—

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

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

Amendment 60, in 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).'

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

Amendment 61, in 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).'

This amendment would ensure that grave breaches of the Geneva Conventions are also excluded from the Bill, alongside sexual offences.

Amendment 7, in schedule 1, page 13, line 12, leave out paragraph 20 and insert—

'20 An offence under Part 5 (Offences under domestic law) of the International Criminal Court Act 2001 as it relates to the law of Northern Ireland.'

This amendment would mean that all offences listed in Part 1 of the International Criminal Courts Act 2001 as they related to the law of Northern Ireland would be excluded offences, without restriction.

Amendment 62, in schedule 1, page 13, line 13, at end insert—

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

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

Amendment 63, in 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).'

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

Amendment 64, page 13 [Schedule 1], 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).’

This amendment would ensure that grave breaches of the Geneva Conventions are also excluded from the Bill, alongside sexual offences.

Amendment 8, in schedule 1, page 13, line 28, leave out paragraph 23.

This amendment is consequential on amendments 6 and 7.

Amendment 9, in schedule 1, page 14, line 5, leave out paragraphs 27 to 30 and insert—

‘27 An offence under Part 1 (Offences) of the International Criminal Court (Scotland) Act 2001.’

This amendment would mean that all offences listed in Part 1 of the International Criminal Courts Act (Scotland) 2001 would be excluded offences, without restriction.

Amendment 65, in schedule 1, page 14, line 7, at end insert—

‘(za) an act of genocide under article 6, or’.

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

Amendment 66, in 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)’.

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

Amendment 67, in 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).’

This amendment would ensure that grave breaches of the Geneva Conventions are also excluded from the Bill, alongside sexual offences.

Amendment 12, in 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.’

Mr Kevan Jones (North Durham) (Lab): I have nothing further to add, Mr Stringer, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 3 ordered to stand part of the Bill.

Clause 4

SECTION 3: SUPPLEMENTARY

Question proposed, That the clause stand part of the Bill.

Mr Jones: This clause goes to what we heard in the evidence session is the missing part of the Bill: investigation and what warrants particular types of investigation. We heard from numerous witnesses, including Judge Blackett

and General Nick Parker, that what is missing from the Bill is any scope of investigation. I have tabled new clauses to limit and have control over investigations, because, as Judge Blackett said, the problem with the Bill is that it looks at the process from

“the wrong end of the telescope.”—[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee, 8 October 2020; c. 120, Q246.*]

It looks at the prosecution end, rather than the investigation end.

9.30 am

In a previous sitting, Major Campbell gave very moving evidence about reinvestigation. Clause 4 goes to the heart of that, but it does not answer the issue. If we ask, “Will this stop reinvestigation?”, the answer is no it will not—what is meant by a new investigation or new evidence is left open-ended. The clause defines “relevant previous investigation” as one “carried out by an investigating authority”.

That paragraph, at least, is straightforward. The police, service police or some other body have investigated, so we may tick that box as a way of not going into reinvestigation.

The next paragraph defines “relevant previous investigation” as one that

“has ceased to be active”.

The problem we heard in evidence was that of active investigations; the issue was whether new evidence had come forward later in respect of the same incident. That was the problem in Major Campbell’s case—although one incident had been investigated, other things had also come in later. Hilary Meredith, I think, said that the real problem was not that a crime had been committed but that the Ministry of Defence had got into a process of paying out compensation to individuals, which was seen somehow as an indication of guilt, when clearly it was not.

Paragraph (1)(c) then continues the definition of a “relevant previous investigation” as one that

“either did not lead to any decision as to whether or not the person should be charged with an offence, or led to a decision that the person should not be charged with any offence.”

Again, that is pretty clear—it is thought that the investigation has been completed. The problem is that it is in the Bill, rather than there being some judicial oversight of the process so that not only the victim but the accused can have some reassurance—that there is no new evidence. That would be a better way to do things. In the Bill, the issue of what is new evidence or what investigation has taken place comes down to a judgment call.

Personally, I think a better way of addressing the issue was outlined by Judge Blackett. We should have a de minimis approach to the small cases, as under the Magistrates’ Courts Act 1980. Then, clearly, we should have judicial oversight of an investigation, and new evidence could be assessed. If a case had been going on for a while and an individual came forward saying that there was new evidence, that would go before a judge, who could deem that there was new evidence and the investigation should go further or that there was not and that it should go no further.

The problem with the clause is that it tries to address that issue but does not describe the mechanism for who makes the decision. If there were to be judicial oversight

of what new evidence was, that would be fine, but as it is the issue is about who makes the decision. Are we going back to a situation that was common in the UK until we had the Crown Prosecution Service: the police investigated, made a decision on prosecution and took it forward? Who should make the decision? That former situation was not right because the police would decide what their evidence was and could take forward a prosecution. Under clause 4, I presume, it would again be down to the police to decide that.

I would prefer some clarity about who is making the decision about the new evidence because the key to stopping the abuse that has been going on is not prosecution—the way to do it is to stop the repeated reinvestigation that has taken place. We heard throughout the evidence sessions that, in the small number of cases that led to actual prosecutions, the timescale was very quick—I think Judge Blackett said that, in Marine A's case, it was 18 months. I cannot remember the other case that Ms Meredith raised.

Chris Evans (Islwyn) (Lab/Co-op): As my right hon. Friend was speaking, I thought of an anomaly. The Bill now strikes out claims on the Ministry of Defence after six years. However, if new evidence comes to light and there is a criminal conviction for the same offence, there could be a situation in which a criminal court imposes compensation when the MOD has already struck the claims out. How does my right hon. Friend see clause 4 squaring that circle?

Mr Jones: It does not, and that comes to one of the other problems with the Bill: it combines both criminal and civil. As I think Ms Meredith said, that is the problem, in terms of what we are trying to achieve. If we keep the longstop for six years on civil claims, a situation would arise whereby they would not go forward, although potentially they could even after six years under clause 4.

The other thing put forward by the Bill's supporters is that it will somehow stop investigation of our servicemen and women for cases that they do not think have substance. However, it does nothing of the sort. I learned a long time ago in politics that the worst thing we can do is promise things and then not deliver after raising people's hopes. The problem with the entire Bill, especially on investigations, is that people will think that we could never get another case like Major Campbell's. I am sorry, but we can. A lot of the veterans believe what is being said—that the Bill will stop investigations—but it will not. It will not stop investigations within the six-year period. It will not even do so afterwards, because, as we have already heard, cases will go to the International Criminal Court and others.

Clause 4(1) states:

“For the purposes of section 3(2)(b), where there has been at least one relevant previous investigation in relation to the alleged conduct, evidence—

(a) is not “new” if it has been taken into account in the relevant previous investigation (or in any of them);

(b) otherwise, is “new”.”

Again, we get to dancing on the head of a pin about what is new evidence. There have been some complex cases, certainly from Iraq. If a witness comes forward many years later with a piece of evidence saying that they were there, who makes the determination on what

is new evidence? That will make the investigation more difficult, because what will be deemed as new evidence? Who makes that judgment call?

We are not dealing with house burglars, are we? We are dealing with very complex cases in other countries, where there are cultural and language difficulties. Sometimes, six years might have passed. The passage of time can not only affect the securing of evidence; it would also affect judgments about people's memory, which has always been the case with civil cases in this country, let alone in a war zone.

I understand what clause 4 is trying to do, but, like a lot of things in the Bill, it leaves a lot of loose ends. As I said, it will lead to a lot of disappointment on the part of veterans who think that somehow reinvestigation will not happen. Likewise, victims will perhaps feel that new evidence or evidence that they have put forward is not being taken seriously.

The Minister for Defence People and Veterans (Johnny Mercer): Thank you, Mr Stringer, for chairing the Committee so well.

Again, there were a lot of inaccuracies in what the right hon. Member for North Durham said. The Department can never be in a position whereby, if allegations were made, it could not investigate them. That is not a lawful position, so the idea that we can legislate to stop investigations is entirely false. We have heard Bob Campbell give evidence in this Committee: his case, in the worst-case scenario, would have ended in 2009.

Mr Jones: Will the Minister give way?

Johnny Mercer: I will in a minute, because both I and Bob Campbell have really got into the weeds of this legislation. I am interested in how the right hon. Gentleman has a different view and thinks that it would not have helped Bob Campbell in any way. I would love him to explain how he arrives at that position.

Mr Jones: Major Campbell is in a very different situation. He has lost all faith in the system and actually wants cases to go direct to the International Criminal Court, which I do not agree with. But I did suggest, if the Minister was listening on the new clauses that I tabled for the last sitting—new clauses 6 and 7—that we need a system of both case management and judicial oversight. That would actually speed up the process and ensure that justice was being done. This is not about stopping investigation; it is about timely investigation.

The Chair: Order. Before I call the Minister, it now seems timely to remind people that interventions should be short and to the point.

Johnny Mercer: Again, it is not true to say that Major Bob Campbell wants all cases to go to the International Criminal Court; that is simply not true. He tried that to demonstrate a point, but it is not his view that everyone should just go to the ICC.

I saw in the newspapers over the weekend, again, a lot of absolute garbage about this Bill. I have made my position clear from the beginning. I have come in for a lot of criticism from the right hon. Gentleman about not working together on the Bill. I have been very clear

that where there are places where we can improve the Bill—within the art of the possible, working within what is factually true—I will do that, but that is yet to happen.

Mrs Emma Lewell-Buck (South Shields) (Lab): The Minister states that he wants to improve the Bill and work with others. Why is it, then, that we have yet to see any amendments at all come forward from the Minister to the Bill?

Johnny Mercer: That is very simply because there is no way, at the moment, that I have been presented with anything that is legal, within the art of the possible or within the strategic aims of the Bill that would actually improve it. It is as simple as that.

Mr Jones *rose*—

Johnny Mercer: Yes, I would love to give way.

Mr Jones: But that is not the case, is it? One issue that has come out, both in evidence and in amendments that I have tabled, is about investigations, and that is not covered in the Bill. I accept that the amendments that I tabled may not have been perfect, but if the Minister had at least given an indication that the issue would be looked at, that would have been a movement forward. But he has completely deaf ears on this.

Johnny Mercer: Again, that is completely untrue, because I have repeatedly spoken, years before anybody else in this House, about the standard of investigations—investigations that were going on under the right hon. Gentleman's watch when he was an Armed Forces Minister. Those investigations, I said—this has been quoted to me time and again—had not been up to standard, but that is not part of this legislation; it is part of an armed forces Bill that is coming forward next year. I have been absolutely ruthless in terms of dealing with the Department on its standard of investigations, which I reiterate were under the right hon. Gentleman's watch.

Mr Jones *rose*—

Johnny Mercer: I will not give way again. I cannot take in people saying, “We would like to see these pieces in the legislation,” when the whole point of this legislation is dealing with the abuses that we have seen over the years; it is not about investigations. People saw an announcement last week that we are having a judge-led review of how the Department does that. We will get the investigations right, but this Bill is very clearly about overseas operations and the situations in which we found ourselves, which actually resulted from when the right hon. Gentleman was a Minister in the Department.

Mr Jones: I was not actually in government. It was under the coalition Government, so the Minister should get his facts right.

Johnny Mercer: No, it was not.

Liz Twist (Blaydon) (Lab) *rose*—

Mrs Lewell-Buck *rose*—

9.45 am

Johnny Mercer: That is nonsense. Ours really started in 2009. *[Interruption.]* We can keep this going all day, Mr Stringer. There is so much fake news coming out, I can just bat it back at every opportunity. We will move on to clause 4 before we get out of hand.

Clause 4 provides the meaning of “relevant previous investigation” and “new” evidence as used in clause 3(2)(b). This is to ensure that when considering the matters to be given particular weight, the prosecutor understands the circumstances in which they must give particular weight to the public interest in a case coming to a timely and final resolution: in other words, finality. Subsection (1) provides the definition for “relevant previous investigation”. A relevant previous investigation is one that was carried out by an investigating authority—that term is defined in clause 7—or is no longer an active investigation. It has ended, and is an investigation at the end of which the individual was not charged. That is all set out in subsection (1)(a) to (c).

Subsection (2) defines “new” evidence as that which has not been taken into account in a relevant previous investigation. This definition is intended to provide for situations such as when new witnesses or new information emerges after an investigation has been completed, and where evidence becomes available that could not have been available at the time of a previous investigation, where subsequent developments in forensic techniques bring to light evidence that is genuinely new.

Mrs Lewell-Buck: The Minister is being very generous in giving way. I want to revisit a previous point. He stated that it is not possible to address investigations in the Bill. I am at a loss as to why not. It is in our gift in Committee to change the Bill and improve it. Why won't he?

Johnny Mercer: Of course, anyone can add an amendment to any piece of legislation, but this Bill clearly deals with lawfare and the vexatious claims that came out of Iraq and Afghanistan. We will see more stuff on investigations in the Armed Forces Bill. People can add anything to any legislation. We all know that, but the place for that particular measure is in the Armed Forces Bill, which will be forthcoming next year.

Liz Twist: Time after time we heard from witnesses, and we had further pieces of evidence submitted yesterday, which the Clerk has circulated. Witnesses have pointed to the centrality of the investigation process. Having a robust and timely investigation is absolutely central to the efficacy of what the Minister is trying to achieve in the Bill. Will he reconsider looking at the investigation? It is good that we have the inquiry, which was announced in the written ministerial statement last week, but will he commit to looking at investigations?

Johnny Mercer: I have already said in Committee that I will not do it this way round, and I said that before I came to the Department. The reality of politics is that we have this time allocated to get through the Bill. It is my job to make sure that the investigatory processes are watertight and that the end state results in good investigations, but a non-abuse of the system.

Mr Jones: I want to clarify something. It is easy to blame the previous Labour Government, but I think I was right to say that IHAT started in November 2010 under the coalition Government and not the previous Labour Government.

Johnny Mercer: That inquiry started in 2010, but the al-Sweady inquiry and others started before then. I am not blaming any Government. I am just pointing out the hypocrisy of the right hon. Gentleman's intervention. Anyway, I beg to move that clause 4 stand part of the Bill.

Mr Jones: On a point of order, Mr Stringer. Is it in order to accuse a Member of hypocrisy?

The Chair: I was just coming to that. Minister, will you withdraw the accusation of hypocrisy?

Johnny Mercer: Yes.

The Chair: I am grateful. Thank you.

Clause 4 ordered to stand part of the Bill.

Clause 5

REQUIREMENT OF CONSENT TO PROSECUTE

Carol Monaghan (Glasgow North West) (SNP): I beg to move amendment 10, in clause 5, page 3, line 23, leave out "Attorney General" and insert "Director of Public Prosecutions".

The Chair: With this it will be convenient to discuss the following:

Amendment 11, in clause 5, page 3, line 26, leave out "Attorney General" and insert "Director of Public Prosecutions".

Amendment 22, in 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."

Amendment 24, in 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."

Carol Monaghan: I will speak to all three of the amendments in my name and that of my hon. Friend the Member for West Dunbartonshire. Amendments 10, 11 and 22 address the issue of the independence of the decision to grant or withhold consent to prosecution. The Attorney General is, by the nature of the position, a political appointment. Therefore, tying in the prosecution of potentially serious incidents to a politically motivated individual is at least unethical and at worst dangerous.

If we are the healthy democracy that we boast of being, there has to be independent oversight of these investigations. To maintain justice and continue to uphold the rule of law, those decisions cannot be made by the Attorney General. That role should be carried out in England by the Director of Public Prosecutions and in Scotland by the Lord Advocate.

In effect, with these amendments, we are asking the Minister to decide whether the actions of the MOD itself require further investigation. To give an example, that would be like asking the Health Secretary to decide whether a patient had grounds to seek redress for cases of medical negligence. Are the Government really in the business of marking their own homework?

Of course, we all understand why the Government have chosen to press ahead with this Bill. I think we all, regardless of the robust debate that has taken place, have sympathy with the purpose of this Bill, but the manner in which it is progressing is concerning a lot of us. Many parts of this Bill would not address the issues faced by our service personnel. However, having the Attorney General preside over decisions to prosecute will potentially leave a shadow of doubt hanging over some service personnel. Is that really what we want?

I watched the previous exchange; for anybody watching Parliament just now, it was rather unedifying, to say the least. At the start of this process, the Minister said he wanted—*[Interruption.]* Even as I am saying that, and trying to say it in a generous spirit, the Minister mumbles to himself and makes comments. I was a teacher by profession, and I can tell hon. Members that I would be taking the Minister to task if he behaved like that in my class. He could at least have the decency to listen while a point is being made.

At the start of this process, the Minister said he wanted to listen and that he was happy to take on good ideas. I have yet to see any evidence of that. I am at a loss as to how we actually improve this Bill. Is the Minister so confident in the absolute perfection of this Bill that not only will he not accept any amendments from the Opposition, but he has not tabled any amendments from his own colleagues? I have never seen this in a Bill before. It is unheard of.

Going back to my amendments, there must be independence in the decision-making process. That would give clarity and increase public confidence in the process that is undertaken. Surely, if this Bill is so good, the Minister has nothing to fear from a politically unbiased head considering the evidence and making decisions on whether to prosecute.

Mr Jones: I thank the hon. Member for Glasgow North West for the amendment. I am not sure that I totally agree with it, although I agree with the spirit of it. The hon. Lady is trying to ensure judicial oversight of these decisions. Her recommended route is the Crown Prosecution Service, and she is right, in that that is at least a judicial process that is separate from the Attorney General, who is a political figure.

Coming back to my remarks about clause 4, the reason the CPS was set up in the first place is because it was the police who investigated and then also took the decision to prosecute, so the CPS was brought in, quite rightly. Has it improved the system? Yes, it has. Do we always agree with what the CPS comes up with? No, we do not, and I doubt whether we always would in every legal case. However, as the hon. Lady said, that does not mean that the process is weak in any way. It means that it is legally robust.

The hon. Lady is suggesting the CPS, but my concern relates to the service justice system. I would rather the Advocate General decided, although I say that in the same spirit as the amendment. The other concern,

which a number of witnesses raised, is about the role of the Attorney General as a political appointee. I think Judge Blackett mentioned that in its recent judicial reforms Kenya has made its Attorney General politically independent for that exact reason: so that the position is seen as being above politics.

That is important, because in the case *Marine A*, which has been raised before, there was a lot of publicity at the time in the newspapers and campaigning about why that person was being prosecuted, often without knowing what had occurred or having seen the video or other evidence that was put forward. If the Attorney General had been the final arbiter of whether to prosecute in that case, they would have come under huge political pressure not to prosecute, and that would not be right.

The other side to this is our standing in the world. If we are to have a system where we properly investigate alleged crimes and have a fair process to decide who to prosecute, then ultimately, although there are other issues in the Bill that raise problems, if it is down to a political appointee whether someone is prosecuted, the International Criminal Court and others would take a dim of that, in the sense that it would be a political decision, not a judicial decision.

It is interesting to look at it from the angle of someone who has been through the process. When Major Campbell gave evidence to the Committee, the hon. Member for Wolverhampton South West asked him:

“Thank you, Major Campbell. It is an absolute disgrace... Will you confirm whether you welcome the Bill or whether you are against it?”

Major Campbell went on to say:

“I fully welcome the Bill, both in its intent and in its content. Again, in my amateur legal opinion, there may be a legitimate argument to be had over whether the Attorney General is the correct address in terms of being the final arbiter of further prosecutions, due to the advice he gives to the armed forces on the legality of a conflict.”

He then went on to be quite disparaging, because of his frustration, which I think we all understand:

“My other slight concern is that previous Attorneys General have done us no favours... Lord Goldsmith had a lot on his shoulders... When I appealed to Jeremy Wright, and when he gave evidence to the Defence Sub-Committee... he took the view that this was an entirely fair process”.—[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee*, 6 October 2020; c. 24, Q54.]

He was concerned about the role of the Attorney General.

10 am

I argue that the Advocate General would be a more appropriate person because they are judicially independent and there is not therefore this idea that they can be influenced in any way politically, but I am also concerned, as I have said before, that the Bill will undermine our service justice system. Anything that takes this aspect out of the control of the service justice system, weakens it, which I certainly would not support.

The Attorney General of Kenya, for example, is now non-political, so if the Minister is really thinking about how to improve the Bill—although I do not think he is; he just wants to ram it through in its present form—he should consider small tweaks like that. He says, “We’ve got this Bill, and that’s it; we’re going to do all the investigation stuff later, in the armed forces Bill,” but I am sorry, there is no reason why he could not have

insisted on it being in this Bill as well. This point is particularly problematic for our international reputation and also fairness, and it goes back to the point about the entire process, in that its strength comes from having independent judicial oversight.

Chris Evans: It is a pleasure to serve under your chairmanship, Mr Stringer. After the events of your beloved Manchester United’s visit to the north-east, I hope you had a very happy weekend—although I notice that we have a number of Members from the north-east here, so it probably upset them.

I rise to speak in support of amendment 24 in the name of my hon. Friend the Member for Portsmouth South. The amendment asks that any decisions to prosecute or not prosecute service personnel who are under investigation be explained by the Attorney General, by her presenting her reasoning in a report to Parliament. If the Government are unwilling to allow decisions to be made by the director of public prosecutions and insist on adding a political element to decisions, they must be scrutinised.

On several occasions, this Government have been charged with attempting to avoid necessary scrutiny and having a habit of waving things through. Amendment 24 simply asks them to do the right thing and allow Parliament to do its duty. In our constitution, Parliament has to play a full part in any legislative initiatives and any investigations. The former Attorney General for Northern Ireland says that the Attorney General is accountable to Parliament. If the Government agree that that is correct, they have a duty to explain decisions that the Attorney General makes on prosecution in order that Parliament fulfils its constitutional duty to scrutinise. If those decisions are to be politicised, let us do it properly. As the amendment suggests, it would be most appropriate that the decisions be explained by a report presented to Parliament, which should set out the full reasoning and rationale behind the decision that the Attorney General makes. That would ensure transparency of the entire process.

Legal academics and experts in the field, as well as previous Attorneys General, have voiced concerns over the role of the Attorney General in the Bill. They are worried that it is adding a political element to a judicial process in an entirely unnecessary way. The former Member for Beaconsfield, Dominic Grieve—I see his successor over there; I welcome the hon. Member for Beaconsfield to the Committee—who was the coalition’s Attorney General, has raised concerns over the Bill. He criticised the Bill for being

“an exercise in public relations rather than reasoned change”.

He gave a multifaceted critique of the Bill, including the role of the Attorney General. In his opinion, the way in which the role of the Attorney General has been written into the Bill is a politicised safeguard. It is hugely important that the Attorney General always acts independently of any political consideration and has only one thing in mind: the public interest.

I am sure that you, Mr Stringer, would call me to order if I began to debate the role of the Attorney General in the past, but, simply put, the Attorney General provides legal advice to the Government. If, however, the Government are reluctant to publish the advice, that is a huge concern to the public.

Mr Jones: Does my hon. Friend agree that this Government and the previous one have been reluctant to allow Parliament to see that advice and have had to be brought kicking and screaming to produce it for our scrutiny of the decisions?

Chris Evans: The decision not to present the rationale, what advice was taken and how the Government arrived at their decision have eroded trust in politics and have been a problem for as long as I have been in the House. We have an opportunity with the Bill to start to rebuild trust in the decisions that the Government make. I hope that that Government will take that on board.

The Attorney General should be required to publish a report on the findings to reassure Parliament and the public that a decision has not been a political one. Many of the issues we have had in the past few years—the north-south divide and Brexit and remain—would have been avoided if the advice had been published and made transparent and fair. When we are making decisions, especially about our service personnel—some of the bravest people in this country—we must ensure that the public interest is at the heart of decision making. Dominic Grieve believes that the fact that the courts can review a decision by the Attorney General may create more litigation rather than reduce it and simplify the process. There is already a backlog of court cases, and we do not want to add to it.

Jack Lopresti (Filton and Bradley Stoke) (Con): Would the hon. Gentleman advocate the next Labour Government making the Attorney General's position independent? Would he be convinced that any report produced by the Attorney General in Parliament and scrutinised by Parliament would not be looked at in a party political way by the Opposition?

Chris Evans: The hon. Gentleman has a lot of experience in this area. If I was Chair of the Backbench Business Committee, he would just have talked himself into a debate on the Floor of the House. If he will forgive me, I shall stick to the amendment, because as I said earlier, we should have at least a 90-minute debate in Westminster Hall on that point.

The concerns expressed by Dominic Grieve have been echoed by His Honour Judge Jeffrey Blackett, who stated that

“the decision of the Attorney General to prosecute or not prosecute certain cases is likely to lead to judicial reviews and, as Mr Grieve stated, more litigation.”

In the Bill's evidence sessions we heard from the most recent Advocate General of the Armed Forces. He expressed deep concern that this decision should be taken away from the Director of Public Prosecutions:

“My concern about the Attorney General's consent is that it undermines the Director Service Prosecutions. If I were he, I would be most upset that I could not make a decision in these circumstances.” —[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee*, 8 October 2020; c. 125, Q267.]

It is quite clear that by taking this responsibility away from the Director Service Prosecutions the Government intend to assert a certain level of political control over these decisions. I hope that when the Minister responds he will give us a full explanation.

This is a risky decision from the Government. If they do not comply with the Geneva convention in making such decisions, that could add to the reputation,

which they appear to be determined to establish around the world, that the UK no longer respects international law.

Mr Jones: Does my hon. Friend agree that by inserting, as the Bill does, a politician into that prosecutorial process, questions will be raised about our obligations under international treaties where there should be independent judicial oversight, not political decisions?

Chris Evans: That goes back to my earlier point. As my right hon. Friend says, inserting a politician would mean only more cases where the courts are asked to review the decision of the Attorney General, which would have the knock-on effect of clogging up the courts when we do not need that. It could be nipped in the bud simply by producing a report.

Disregard for international law is not only wrong but sends the wrong message to the British public and the rest of the world. Some have argued that it will even put our service personnel in more danger. Sir Malcolm Rifkind, QC, an ex-Defence Secretary, warned that the Bill will put soldiers at greater risk if Britain is seen to ignore international law. In a letter to Downing Street, he wrote:

“It would increase the danger to British soldiers if Britain is perceived as reluctant to act in accordance with long established international law.”

Similarly, Lieutenant Colonel Nicholas Mercer, who was a senior military adviser, said that the Bill “undermines international humanitarian law while shielding the government”.

While the Government may be able to shield themselves from blame, soldiers may find themselves in the International Criminal Court, whose jurisdiction will be triggered if the Government chooses to avoid prosecuting. In fact, Judge Blackett raised that concern with the Committee. He said that

“the Attorney General has to consent to prosecuting any International Criminal Court Act 2001 offence—that is, genocide, crimes against humanity or war crimes. Under section 1A(3) of the Geneva Conventions Act 1957, he has to consent to prosecuting any grave breaches of that Act, and under section 61 of the Armed Forces Act 2006, he has to consent if a prosecution is to be brought outside of time limits.”—[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee*, 8 October 2020; c. 125, Q267.]

If the Attorney General must consent in those circumstances, what is the need for a political appointee to be involved in the decision making? Why not allow the Director of Public Prosecutions or the Advocate General in Scotland to make the decision?

That leads to concerns that the Government intend to break international law and politicise prosecutions. If that is the Government's plan, it must be scrutinised by the House so that we can understand the reasoning. Ultimately, the public deserve to know why the Government would deem it fit to break international law and damage the reputation of our troops serving abroad.

Another voice we were grateful to hear from in our evidence sessions was that of General Sir Nick Parker. He added a further concern about the damage to Britain's reputation if we are not seen as a country that respects international law, which will not only damage the reputation of and endanger our troops serving abroad but have more complex results. He said:

“If there is some doubt about this—”

the willingness of the UK to break international law and the Geneva convention—

“and we are viewed in the international community as being prepared to operate outside norms, there is an implication for the people who will have to command in the international community.”—*[Official Report, Overseas Operations (Service Personnel) Public Bill Committee, 8 October 2020; c. 99, Q203.]*

He expressed concern about not knowing whether that would affect the willingness of other countries to work with the UK armed forces. If other countries are less willing to work with our forces, that creates additional problems for our troops. He later said

“I believe that we need to be consistent with our coalition partners. All I would add is that you cannot predict who your coalition partner will be, because we do not know whom we will be fighting with in the future.”*[Official Report, Overseas Operations (Service Personnel) Public Bill Committee, 8 October 2020; c. 100, Q206.]*

Today’s friend is quickly tomorrow’s enemy. Therefore, there must be that certain consistency provided by international norms.

10.15 am

Consistency is of concern not only in the Bill’s potential to break the Geneva convention but in the role of the Attorney General. The Attorney General’s role has played out very differently under its very different office holders, which has sometimes led to controversy.

Dominic Grieve stated that the requirement of the Attorney General’s consent to prosecute after the five-year time limit can provide some reassurance to the public that the matter has been fully looked at. The role and decisions of the Attorney General come under public scrutiny. The pressures on Members of this House should not be a factor in legal decisions such as whether to prosecute, and the Attorney General ought to be seen in the capacity of a career lawyer rather than as a politician, which is something the hon. Member for Filton and Bradley Stoke alluded to earlier. Yet the title and role—*[Interruption.]*

The Chair: Order. I did say in the introduction that if Members breached the social distancing rules, I would stop proceedings.

Chris Evans: It is important that we set an example, Mr Stringer.

The title and role of the Attorney General is often entwined with politics, which complicates the matters of transparency. By its very nature, the role of the Attorney General is controversial, and has been in the legal world for a long time. The Attorney General has a role both as a professional lawyer and as a political advisor. Although many Attorneys General have taken the view that political distance gave their legal advice more credibility, others have been involved in party politics. From the scrutiny of Attorneys General in the 1920s to our current Attorney General, the role has always been controversial. Our current Attorney General generated a lot of debate over advice given to the Government on Brexit, as did her predecessor over the proroguing of Parliament. Further back, it is not just a party political issue. I do not have to go into the whys and wherefores of what the Labour Government went through with the legal advice over Iraq and Afghanistan. Again, before anybody wants to intervene, that is a debate for another time.

Johnny Mercer indicated assent.

Chris Evans: I am glad the Minister nods in assent.

The present Attorney General has been accused of advising on legal matters from a political standpoint. The Scottish National party’s Attorney General spokesman, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), has accused our Attorney General of putting her political loyalties ahead of her loyalty to the rule of law when it should be the other way round. If the role of the Attorney General is seen as a political one, involving them in this Bill politicises—

Mr Jones: Does my hon. Friend agree that if we have the Attorney General involved in this, matters will end up in the courts? Again, it raises a false flag to servicemen and women that somehow this will stop prosecutions. If something is overturned by the Supreme Court or whatever, the prosecution will still go ahead, so the longstop is not achieved.

Chris Evans: It is not. I would like the Minister to answer this conundrum that I came up with when I was listening to my right hon. Friend’s very good speech earlier. The trouble that I see with the Attorney General being involved is that if we have a civil case that is ruled out after six years, according to the Bill, and we have new evidence that emerges from the previous case—this is an important point—the Attorney General then decides to prosecute. That person is then found guilty of a crime and damages are given out. We have a situation where we have a criminal court giving compensation for a case that has already been struck out. That is an anomaly in the Bill that I hope the Minister will address because it is a concern. Given the mixed opinions on the role of the Attorney General, and the general cloudiness of what their role and priorities ought to be, the requirement to produce reports on their decisions to prosecute or not seems entirely sensible.

Mr Jones: Would it not also be the case that we would not know how the Attorney General made a decision in terms of legal thresholds and suchlike? There will be a political decision, and there is no guidance in the Bill on what the important factors would be for an Attorney General to make his or her decisions.

Chris Evans: From a legal perspective, it is really important that when an Attorney General gives their advice, they do that through the process of legal precedent, statutory interpretation or whatever we want to call it. It is extremely important that when the Attorney General arrives at Parliament with their advice, they have a very strong legal argument. They have consulted academics or leading lawyers, presumably in the area of human rights, and they have crossed all the t’s and dotted all the i’s, and when they come before Parliament, they are confident in their decision. That is why it is extremely important that a report is presented, because at least they can cross-reference how they arrived at the decision. It also gives confidence in the decision. If the case does end up in court, they are standing in a stronger legal position than they would be if they had not released that advice.

[Chris Evans]

As there is a long-standing worry about the balance between law and politics in the role of the Attorney General, it surely makes sense that the Attorney General, if they are to be involved in this Bill at all, is required to publicise the decision. That would ensure that prosecutions covered by the Bill continued to be legal matters or could be at least scrutinised by other bodies to regulate them. It would ensure that party politics was not placed above the law.

It is a judicial process that the Government are concerned with. It should not be politicised or manipulated by party politics in any way, shape or form. If the Government feel the need to grant the power of decision over prosecution to the Attorney General rather than an independent legal body such as the Director of Public Prosecutions, the process must be entirely transparent, so that all those involved can clearly see the thinking behind the decisions. There is no reason why that information cannot be shared. It should and must be subject to parliamentary scrutiny.

Johnny Mercer: I thank the hon. Member for Islwyn for his very thoughtful contribution. I will address some of those points.

First, let me come to the points raised by the SNP. I will not call it “hypocritical”, because that would be out of order, but the irony of being lectured about behaviour in debates by the hon. Member for Glasgow North West, who has repeatedly screamed at me at the Dispatch Box, is not lost on me in any way. I have no ribs left from laughing at the SNP’s position on defence matters. The idea that it is possible to have a constructive debate from such a false position is ridiculous, but I will address some of those points in my comments.

Dominic Grieve and Nicholas Mercer are people who have contributed. I do not know whether Members expected those who had overseen the disaster of things such as IHAT, who had overseen those processes, to come in and say, “This was a good idea.” I never expected that. Nicholas Mercer was not some senior legal adviser; he was a brigade LEGAD, and there were many brigades in Iraq. His evidence, a number of times, has been called into question. Dominic Grieve was a Member of this House. I have huge respect for him. But he, as Attorney General, oversaw some of these horrendous experiences that some of our people went through. Of course they are not going to be supportive of changing that scenario, because they did not do that when they were in charge. I respect that that was their decision, but we have come in on a very clear promise to end the unfair nature of this process.

I understand that it is combative; I understand that it is contested, but it is about time that someone came here with the voice of those who actually go through the process and was at the head of this debate, rather than those who are managing it and ultimately, in my view, have no real idea what it is like to walk in the shoes of those who serve on operations or who are dragged through these investigations.

When it comes to the Attorney General’s consent—

Mr Jones: I accept what the Minister is saying, but let us be honest: it was not just Dominic Grieve as Attorney General; the Government oversaw the IHAT system. As for the point the Minister makes, I do not for one

minute question his intent in trying to do the right thing, and I support him in that. The only problem I have is that, in proposing what he does, he has a deaf ear to things that could actually improve the situation and get the Bill right so that it does what he is trying to achieve.

Johnny Mercer: It is not a deaf ear if I disagree. I am allowed to disagree.

Mr Jones: But you’re wrong.

Johnny Mercer: That is a matter for debate, and that is the whole point of why we are here.

Clause 5 requires the consent of the Attorney General for England and Wales or the Attorney General for Northern Ireland before a case of an alleged offence committed by a serviceperson more than five years prior on an overseas operation can proceed to prosecution. We introduced the consent function because we believe it is important for service personnel and veterans to be confident that their case will be considered at the highest levels of our justice system. In relation to amendment 22, the consent function does not need to extend to Scotland, as all prosecution decisions in Scotland are already taken in the public interest by, or on behalf of, the Lord Advocate.

Requiring the consent of the Attorney General for a prosecution is not unusual. The Attorney General already has to give consent to prosecute war crimes, as has been said, and for veterans to be prosecuted more than six months after they left service. Who introduced that legislation? The Labour party, in 2001. The Attorney General already has numerous other consent functions, but that does not mean that the Government have any role to play in decisions on consent; it is simply a safety check on fairness.

On amendments 10 and 11, in deciding whether to grant consent to prosecutions, the Attorney General acts quasi-judicially and independently of Government, applying the well-established prosecution principles of evidential sufficiency and public interest. This means that the Government will play no role in the decision taken by the Attorney General or Attorney General of Northern Ireland on consent—no role. Amendment 24 seeks to require the Attorney General to report to Parliament with the reasons for granting or withholding consent. There is no statutory requirement anywhere else for the AG report on individual casework decisions, and we do not believe that it would be appropriate to introduce such a requirement in the Bill. I therefore ask that the amendments be withdrawn.

10.30 am

Carol Monaghan: First, I will respond to the comments the Minister made at the start. There is a huge difference between debating in the Chamber, with comments being passed to and fro, and making a speech in a room such as this and having somebody mumbling under their breath while doing it. It is disrespectful and it should not happen. The Minister is a military man. I would love to have seen him behave like that when one of his superiors was addressing him in his former career. I have no intention of withdrawing the amendments. Nothing the Minister said assured me that there would be an unbiased situation when considering prosecutions, so I will push them to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 6, Noes 10.

Division No. 5]

AYES

Evans, Chris	Monaghan, Carol
Jones, rh Mr Kevan	Morgan, Stephen
Lewell-Buck, Mrs Emma	Twist, Liz

NOES

Anderson, Stuart	Eastwood, Mark
Atherton, Sarah	Gibson, Peter
Brereton, Jack	Lopresti, Jack
Dines, Miss Sarah	Mercer, Johnny
Docherty, Leo	Morrissey, Joy

Question accordingly negatived.

Amendment proposed: 22, in 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.’—(*Carol Monaghan.*)

The Committee divided: Ayes 6, Noes 10.

Division No. 6]

AYES

Evans, Chris	Monaghan, Carol
Jones, rh Mr Kevan	Morgan, Stephen
Lewell-Buck, Mrs Emma	Twist, Liz

NOES

Anderson, Stuart	Eastwood, Mark
Atherton, Sarah	Gibson, Peter
Brereton, Jack	Lopresti, Jack
Dines, Miss Sarah	Mercer, Johnny
Docherty, Leo	Morrissey, Joy

Question accordingly negatived.

Clause 5 ordered to stand part of the Bill.

Clause 6 ordered to stand part of the Bill.

Schedule 1

EXCLUDED OFFENCES FOR THE PURPOSES OF SECTION 6

Question proposed, That the schedule be the First schedule to the Bill.

Mr Jones: Paragraph 46 of the explanatory notes states:

“Schedule 1 details the sexual offences excluded from the scope of the requirements of clauses 2, 3 and 5”.

We have touched already on the fact that sexual offences are not included in the Bill. I have not yet had a good explanation of why that category is the only one identified in the Bill. I think we all agree, and there is no dispute, that sexual offences play no part whatever of the conduct of our armed forces. If they are committed, they should be investigated and prosecuted and the perpetrator taken before court. The problem is how to separate sexual offences from other criminal activity. There are situations in which the sexual offence is committed along with other crimes, such as torture, that are not on the face of this Bill. Why exclude sexual offences?

The argument could be, as has been said, that this should never be part of the conduct of forces personnel—I agree, but that should not mean it is singled out. The problem I have with this is that when cases come forward, if there is a sexual offence as part of the accusations then this will be prosecuted, but something else of equal severity might not be prosecuted despite being part of the same event.

The obvious way around this is to leave it in and add other items as well, but I have yet to understand why sexual offences have been singled out, and I think we need an explanation because it draws attention to the fact that other things are not also mentioned. If there were clear-cut, one-off sexual offences then it is understandable, but I can imagine situations that may include other offences. If you look at some of the accusations, not necessarily against UK service personnel, but others such as those involved in peacekeeping operations, sexual offence was part of other crimes that were committed against individuals. It says in the schedule that we will exclude the sexual offence but the rest, frankly, is not part of it. I do not think it is as simple as to divide the two as clearly as this. I would like an explanation as to why and how sexual offences would be separated from other offences.

Johnny Mercer: It is a fair argument from the right hon. Member for North Durham; there is a difference of opinion on this issue. We are very clear as to why sexual offences are on there—schedule 1 lists the offences that are not relevant for the purposes of clause 6. The only offences contained in schedule 1 are sexual offences. This means that in cases involving alleged sexual offences on overseas operations more than five years ago, a prosecutor does not need to apply the statutory presumption and the matter is to be given particular weight when considering whether to prosecute.

Further, the prosecutor does not need the consent of the Attorney General for a case to get a prosecution; they will simply follow the usual procedures for determining whether or not to prosecute. For clarity, it should be noted that conflict-related sexual violence is classified as a war crime and is recognised as torture, a crime against humanity and genocide in international criminal law. These offences are referenced in paragraph 13 of part 1 and are listed in parts 2 and 3 of schedule 1.

Part 1 of schedule 1 lists sexual offences as criminal conduct offences under armed forces legislation, the Armed Forces Act 2006, and the corresponding offences under the law of England and Wales, including repeals provision. Part 2 of schedule 1 lists the sexual offences contained in the International Criminal Court Act 2001, under the law of England and Wales and the law of Northern Ireland. Part 3 of schedule 1 lists the sexual offences contained in the International Criminal Court Act 2001 under the law of Scotland. Part 4 of schedule 1 contains the provisions extending jurisdiction in respect of certain sexual offences. I reiterate to the Committee the reason for the exclusion of sexual offences.

Liz Twist: To reflect on the words of my right hon. Friend the Member for North Durham, this schedule includes, as we know, only the exclusion of sexual offences. Given the concern raised by many people during our evidence sessions and more generally in debate, why are torture and war crimes not included in the section? I would like to see that, because it is an important issue in the debate.

Johnny Mercer: The reality is that the word “torture” and allegations of torture have been used as a vehicle to generate thousands of claims against our service personnel. There have been arguments around why we have not packed investigations and so on into the Bill, but the Bill is trying to deal with very specific problems, which are the ones we have faced over the last 15 or 20 years relating to claims of this nature. In the discharge of your military duties, you can expect to be accused of assault, unlawful killing, murder and torture when using violence. There is no scenario in which our people will be asked to operate in which they can legitimately commit sexual offences. This country has a strong commitment against the use of sexual violence as a weapon of war, and that is why it is in the Bill.

Mr Jones: I agree that it should play no part whatever, and it does not in terms of the ethos of our armed forces. Will the Minister answer the point that there will not, in many cases, be a situation in which sexual violence takes place by itself? What happens if it involves violence and other things? How can the other issues be looked at if it is taken out? He is saying that the only reason for it is because torture is seen as a reason for a lot of the claims coming forward. Is that the only justification?

Johnny Mercer: Putting sexual offences in the Bill in no way denigrates our commitments against torture. We have to deal with the world as we find it, not as we would like it to be. When allegations of torture are mass-generated, as they have been, to produce these claims we have a duty to act to protect our service men and women from that.

Liz Twist: I understand the point the Minister is making about protecting service people and about spurious claims, but there are also genuine claims of torture that really deserve to be properly investigated, looked at, and not excluded. I am not saying they are against our forces in particular. I wonder if not writing that into the schedule is a step too far. It is such an important issue for the good name of the country, and also for that of our troops.

Johnny Mercer: No one disputes the seriousness of torture. I reiterate that our commitments against that are not diluted in any way. All we are seeking to do is to restore the primacy of things like the Geneva convention and the law of armed conflict, and to protect our service men and women from the nature of lawfare that has been so pernicious over the years. I understand people’s views on it, and at first inspection I understand why people have concerns, but the reality is that we have to deal with the situation with which we have been presented. If we are going to protect our people, this is a difficult part of it. As I have outlined, nobody can in any way be legitimately accused of sexual offences in the discharge of their duties, and that is why it is in the Bill.

Question put and agreed to.

Schedule 1 accordingly agreed to.

10.45 am

The Chair: Before we move on to clause 7, I do not like to interrupt the debate, but there have been references to “you” in a number of speeches, and I am sure that on those occasions you do not really mean me.

Could people try to use the normal parliamentary protocol in debate? Members of the Committee will not have any problem catching my eye, but some of the interventions have been more akin to speeches than sharp interventions. I hope we can continue on the basis that interventions should not be speeches.

Clause 7 ordered to stand part of the Bill.

Clause 8

RESTRICTIONS ON TIME LIMITS TO BRING ACTIONS: ENGLAND AND WALES

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss the following:

Clauses 9 and 10 stand part.

New clause 2—*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 (persons subject to service law) applies.”

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.

For the avoidance of doubt, and so that we do not end up in the previous situation, I should say that if right hon. and hon. Members wish to speak to new clause 2, clauses 9 and 10, or part 2 of the Bill, now is the time to do so, although we will vote on them later.

Stephen Morgan (Portsmouth South) (Lab): The fact that new clause 2 has to be tabled underlines one of the key problems in the Bill. As my right hon. Friend the Member for North Durham said, this Bill does not do what it says on the tin: it does not help to protect our armed forces personnel, but does the exact opposite. It limits our troops’ right to justice. It does not benefit them—in fact, it actively discriminates against them.

Unfortunately, this has been a long-running theme of the debate as the Bill has passed through the House. The intention of the Bill is one the Opposition are willing to work with, but the Government have got parts of it badly wrong; this part of the Bill, unfortunately, is a prime example of that. The Government cannot claim that the Bill benefits our personnel while legislating to limit the courts’ discretion to disapply time limits for actions in respect of personal injuries or deaths that relate to overseas operations of the armed forces. That is why this part of the Bill must be amended and improved.

New clause 2 would amend 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 imposed by part 2 in respect of actions relating to overseas operations. The question must be asked: why are the Government explicitly trying to mitigate the ability of our service personnel to access a route to justice? Is that really in line with the spirit of the Bill? In the lead-up to Remembrance Sunday, are the Government really comfortable passing a Bill that will clearly limit service personnel’s rights?

In the evidence sessions, we heard a great number of warnings about this part of the Bill. More specifically, points were raised about the Government's own impact assessment of service personnel privately claiming for their injuries. As the witness from the Association of Personal Injury Lawyers said,

"I think it will definitely have an impact. I do not think that the impact statement that has been released really explores it fully, because it ignores a large proportion of civil claims brought against the Ministry of Defence, which may include elements of overseas operations.

If I can give you just a quick example, the impact study does not take into account noise-induced hearing loss claims. These are complex claims that may involve exposure to harmful noise at any point of the serviceperson's service, and at different points of overseas operations in different countries. The impact study that has been released ignores all of those claims. In the last year alone, I think the figures released by the Ministry of Defence suggested that 1,810 claims relating to noise-induced hearing loss were brought against the MOD.

My answer to your question is that I think there will be an impact, but we do not know the extent of that impact, and that needs to be explored further."—[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee*, 6 October 2020; c. 54.]

That is a real point of serious concern. If the Government's own impact assessment is flawed and has not fully taken into account the scope of the legislation's impact, it is imperative that the Government take another look at this part of the Bill, to ensure that they have been fully and properly informed by their own impact assessments.

I repeat once again that Labour wants to work with the Government to get the Bill right, but at this stage there are enormous concerns that it is far from that. In addition, there are real, specific cases in which the Bill would clearly disadvantage our troops—not simply numbers on a page. Those include types of case such as the noise-induced hearing loss that the witness a fortnight ago referred to. That witness referred to a former marine who received £500,000 for noise-induced hearing loss on the claim that his hearing loss and tinnitus were caused by a negligent exposure to noise. He served in Northern Ireland, the Gulf and Afghanistan and was exposed to noise from thousands of rounds of ammunition, thunderflash stun grenades, helicopters and other aircraft, and explosive devices, and left the Royal Marines in 2012.

The marine was unable to make a claim for compensation until 2014, seven years after he first became aware that he had problems with his hearing. The MOD admitted liability and made no argument about the case's being brought out of time. The time limit in the Bill, however, would have eliminated all aspects of the claim relating to the marine's extensive service overseas. It is exactly examples of that nature that raise questions over the depth and quality of the Government's impact assessment, as well as whether this part of the Bill is really in line with the spirit of the Government's supposed intent.

The Bill clearly needs fixing, and the Government need to go back and look at whether they really are delivering on what they claim they want to achieve. I ask the Minister: is it the Government's intention to allow cases such as the said case of noise-induced hearing loss to be ignored by the Bill? What steps were taken both to ensure the Government's impact assessment was comprehensive and to mitigate any confirmation bias of the Government's intent on the Bill?

This part of the Bill also has another clear issue: it risks breaching the armed forces covenant. Let us take a look at what part 2 of this Bill really means. The Limitation Act 1980 currently results in the armed forces community and civilians being treated equally when it comes to seeking a claim for personal injury. As it stands, there is a three-year cut-off point in place, but the courts retain the right to grant an extension to forces personnel.

Section 33 of the Limitation Act provides the court discretion to override the current three-year limit, but this Bill deliberately moves away from that and snatches away the ability of courts to show discretion if the case relates to an overseas forces action. It makes a deliberate change to the Limitation Act. That makes no sense. There are already structures in place to ensure that only appropriate claims are brought forward. Courts routinely manage out-of-time proceedings and frequently throw out cases where the delay is unjustified. The detailed criteria set out in the Limitation Act already address cases that do not have reasonable grounds or are unjustified. I put it to the Minister: why is he actively removing the aspect of the Limitation Act that offers courts the right to grant an extension in cases relating to armed forces personnel?

The Bill removes the ability of members of the forces community to bring forward a civil claim at all after six years, even where it would have passed judicial scrutiny. Under the Government's proposed changes, civilians will retain the right to pursue a civil claim against their employer, but armed forces personnel will not. That clearly risks breaching the armed forces covenant. With that in mind, I am concerned that the Royal British Legion has said that the Bill constitutes a potential breach of the armed forces covenant—a deeply worrying conclusion from the largest armed forces charity in the UK. Are Ministers not concerned that the very Bill that they claim is devised to help our troops is said to be doing the opposite by such a distinguished organisation?

In addition, we heard from the Association of Personal Injury Lawyers that the Bill leaves our veterans with fewer rights than prisoners. That is a damning verdict, delivered by lawyers who devote their lives to representing our armed forces personnel. Our armed forces serve the nation with distinction; they deserve more than to have their rights stripped away. I take this opportunity to say to the Minister, "Do not dismiss the warnings of the Legion and APIL. Work with us to address them."

I ask the Minister to clarify whether Ministers are concerned that the Bill they claim was devised to help our troops is said to be doing the complete opposite by such distinguished organisations as the Royal British Legion. Why is the Minister actively removing the aspects of the Limitation Act that offers courts the right to grant an extension in cases relating to the armed forces personnel?

Why are the Government willing to introduce a six-year longstop for troops but not civilians? Why are some medical conditions worthy of justice and not others? Are the Government really comfortable with passing a Bill that will clearly limit service personnel's rights in the lead-up to Remembrance Day? Is the Minister content to allow cases of noise-induced hearing loss to be ignored by the Bill? Finally, what steps were taken to ensure that the Government's impact assessment was comprehensive and to mitigate any confirmation bias to the Government's intent with the Bill?

Mr Jones: I want to speak to clause 8 and my new clause 9. Does the Minister want to do the right thing by our armed forces personnel? I think he does. I have never questioned his determination to do that. Again, the problem with the Bill is its unintended consequences.

Part 2 is a key part of the Bill. As my hon. Friend the Member for Portsmouth South said, it cannot be right that we will pass legislation that will mean that our servicemen, women and veterans have fewer rights than prisoners. The Limitation Act 1980 is there for a good reason. In the Minister's comments in *The Sun* newspaper on Sunday, he said he will give a guarantee that servicemen and women will not lose out in part 2. I would be interested to know how he will do that, given the six-year longstop.

I do not doubt the Minister's commitment to what he said in that newspaper article, but—to use the old Robin Day quote from his famous interview with John Nott—the Minister, like us all, is a “here today, gone tomorrow” politician. It is important to ensure this legislation is future-proofed. Irrespective of what the Minister says in his article, which is well intentioned, he cannot give that guarantee. Again, I do not question his motives for saying what he did.

The Minister has a higher trust in the MOD than I do when it comes to protecting servicemen and women. The Limitation Act, section 33, is very clear: it sets out the exceptional circumstances. In our evidence, we heard that although they are exceptional circumstances, they are not uncommon.

The Committee heard evidence of one example; I will give another, which, having spoken to a friend of mine who deals with personal injury, I think falls within the scope of this, too—of the Snatch Land Rovers in Iraq. The families of the individuals killed in the Snatch Land Rovers were not aware of the failings—not failings of the chain of command, but of the procurement—until the Iraq inquiry took place. They then sought legal redress against the MOD, because they thought a decision had been taken that had put their loved-ones in jeopardy. It was many years later, so it was outside of time, but they were able to use section 33 of the Limitation Act to bring a case, which, according to the evidence we heard, they then settled.

My other concern with the MOD—again, referred to in the evidence sessions—is that it employs clever lawyers. It will use the provision as a way of stopping any case that comes forward, as a first hurdle for the claimant to get over. That means that there will be no right of appeal for those individuals. If the Bill had been in force during the case of the Snatch Land Rovers, those families would have had no redress at all. At the end of the day, the measures protect only the MOD; they do not protect our servicemen and women, as the Minister would like. Again, we come back to the Bill's problem of conflating civil and criminal cases.

11 am

My hon. Friend the Member for Portsmouth South talked about hearing loss cases. There are also cases where evidence comes to light later, because it was not available at the time. Let us take the case of an aircraftman who painted aircraft and argued that, as a result, he had had a severe reaction, including an attack to his nervous system. He had to leave the service and could not work, but at that time he could not prove any link to

his service. He went to a solicitor to see whether they could take the case, but at that time there was no research into the effects of these paints on the human body. It was only some 12 years later, when medical evidence had been published in scientific papers that exposure to certain paints was harmful and could lead to the condition this poor individual found himself in, that his lawyer could say, “Yes, we can try to argue a causal link in a case.”

Chris Evans: As my right hon. Friend has been speaking, I have been thinking in particular of the people serving in the Royal Navy who were affected by asbestos. In the 1950s and 1960s, asbestos was this magic formula—used everywhere from schools to garden sheds. Then, years later, it was found to cause tumours in the lungs. That caused serious problems to our servicepeople, but the evidence did not emerge for 30 years. People may be using chemicals now that we do not understand. How would the MOD be held responsible, and families be properly compensated?

Mr Jones: I will come back to asbestos. The aircraftman could not walk because the paint had attacked his nervous system, and his case was able to be taken forward only because of scientific evidence about exposure to that paint. However, if the Bill goes through, such an individual would not be able to make a case because it would be way out of the six-year limit. A lawyer friend of mine took that case to court and argued successfully before a judge that the individual was only able to bring the case then because of the scientific evidence, and that allowed them to take the case forward.

Johnny Mercer: A series of examples have been given where the Bill would not prevent action from being taken. On the Snatch Land Rover incident, the inquiry findings is the point of knowledge from which people had six years to make a claim. On the paint issue, when a connection is made with service and evidence can be produced, that is the point of knowledge from which there are six years. I do not know whether the point of knowledge piece is clearly understood, but when evidence comes together that clearly shows what has happened, that is when the six years begin. The Bill would not prevent such cases.

Mr Jones: I have heard the Minister say that before. I accept what he is saying, but he is wrong. I will come to asbestos, because in a previous life I used to press asbestos cases, but I will first address the Minister's point and why he is wrong. I would agree with him about the date of knowledge if it were he and I dealing with the Bill. However, the dealings will be with MOD lawyers and not with the Minister or with me. If it said in the Bill that the date of knowledge were that date, that would be fine, but it does not. The Minister is putting an awful lot of trust in MOD lawyers. I would not do that, because they will argue straight away in such a case that it is time barred because of the legislation. They use that now, for example in the paint case I just mentioned. I hear what the Minister says and he might be technically right, but we heard in evidence that the MOD lawyers are experienced and will use that in their armoury as a way of stopping claims going forward.

Carol Monaghan: This is exposing an ambiguity right here, right now. Up until this point, the Minister has talked about the point of knowledge of the injury or the disablement. Now, he is talking about the point of knowledge of the issue with the equipment. What are we talking about and where in the Bill is that differentiated? If there is no clarity, we will have a situation with lawyers because of that ambiguity.

Mr Jones: Yes, and the lawyers will use it to protect the MOD. Like I say, if the Minister and I had to judge, we both would say “Yes, give the benefit of the doubt to the veteran.” I certainly would. However, neither he nor I will be there. It will be down to some Minister in the future and some lawyer to do that.

Coming on to asbestos, let me give an example. The issue in the early test cases on asbestos that I dealt with was about the date of knowledge. As my hon. Friend the Member for Islwyn just said, the issue with asbestos and asbestos-related diseases is that they can lie dormant for 20 or 30 years. It is an indiscriminate issue. I have met men who worked with asbestos and have what they call asbestos scars—asbestos in their skin—with no symptoms whatsoever and no health effects at all. I have also dealt with cases where a doctor and a nurse, who were just walking through a tunnel where an asbestos pipe was broken and were being covered in asbestos every day, developed mesothelioma, which we all know is a death sentence within 18 months to two years.

The MOD used to have a get-out because of Crown immunity; it could not be sued. As such, we are bringing back time-barred Crown immunity and saying to people that they cannot take cases against the MOD. Would cases around asbestos be time barred? I do not know. Again, why change it? I accept what the Minister is saying—we do not want frivolous and vexatious cases—but if they are time barred, there is a perfectly legitimate system in place at the moment called the Limitation Act, which allows people to take a case forward, if they wish to or their legal representatives feel there is a case.

Chris Evans: My right hon. Friend has, like me, worked with many constituents on this issue. Plural plaques may or may not develop into full-on asbestosis, but if someone develops the plaques within six years and then goes on to develop—God forbid—the worst kind of asbestosis, how does he see the MOD addressing that anomaly with the Bill?

Mr Jones: That is the point. I do not want to go off piste and explain the issues around pleural plaques, but I am a little bit of a sceptic on this. Although pleural plaques are lung scarring, I have not yet been convinced of any evidence that every case turns into something asbestos-related. It can be an indicator but it does not always go on to that.

Again, the MOD used to have Crown immunity, which used to mean that a case could not be brought against the MOD; that is what we are doing. Certainly in cases involving submariners who worked in submarines—as my hon. Friend the Member for Islwyn said, they threw asbestos around like confetti, as it was the great wonder material at the time—they would be time barred under the Bill. Again, coming back to what the Minister said, were it he and I then yes, I would agree, but lawyers will use that.

I do not understand why part 2 is there. Why would the Government want to put veterans and servicemen and women at a disadvantage? The Limitation Act is there for a perfectly good reason; it acts as a sieve because the person involved has to go before a judge and argue an exceptional reason as to why that case has not been brought within that period of time. From my experience in dealing with limitation cases for industrial diseases, for example, they are hard to prove, so it does act as a sieve.

If the Government are wanting to ensure that we are not getting huge amounts of unwarranted claims, the Limitation Act, as it stands at the moment, acts as that protection because the bar is high. In the cases where it does apply—with Snatch Land Rovers for example, the paint case I mentioned, or other cases, including those on hearing loss—it is very important, and I cannot support anything which means that our servicemen and women will be at a disadvantage.

In the evidence we took, Hilary Meredith said:

“I think that part 2, on the time limit, should be taken out and scrapped completely. It is the time limit for the procedure. It went on too long”.—[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee*, 6 October 2020; c. 19.]

She then referred back to investigations, which we come back to all the time. The other issue that she and a few other witnesses raised was the Human Rights Act 1998. I know that a lot of people start frothing at the mouth and gnashing their teeth whenever we mention the Human Rights Act, because it always applies to those that do not deserve justice—the ne’er do wells, asylum seekers and everyone else—but it is actually there to protect us all.

There are cases where servicemen and women will bring cases against the MOD under the Human Rights Act. One of the arguments—and I think the reason why, in this Bill, the Human Rights Act is a bit of a bogeyman—is that somehow the Act will impinge on the ability of servicemen and women to do their work. I do not accept that because, looking at the Smith case, the Human Rights Act was not an impediment; it clearly separated out combat immunity—that is, that lethal force must be used on occasions. Putting a time limit on the ability for servicemen and women to bring a case under the Human Rights Act would be a disadvantage to them.

Hilary Meredith says in her evidence that:

“There is a difficulty putting a time limit on the Human Rights Act... For civil claims against the Ministry when people are injured or killed in service overseas, I do not think a longstop should be applied. There are tremendous difficulties in placing people in a worse position than civilians. In latent disease cases—diseases that do not come to light until much further down the line, such as asbestosis, PTSD, hearing loss—it is not just about the diagnosis. Many people are diagnosed at death.”—[*Official Report, Overseas Operations (Service Personnel and Veterans) Public Bill Committee*, 06 October 2020; c. 18, Q30.]

Again, that is something that I dealt with when I dealt with asbestos cases. The only time that a lot of people knew about them was when there was a death certificate. On more than one occasion, I stopped funerals to ensure that we had done the proper post-mortems.

11.15 am

The Human Rights Act 1998 makes it clear that combat immunity is preserved—the idea that we have to use legal force on occasion. The Minister is right to say

that we do not want legal disputes. In the case of *Smith & Ors v. Ministry of Defence*, the Supreme Court made it very clear that the principle of combat immunity was absolutely sound; it did not question the principle. That was the Snatch Land Rover case. Somebody argued that it was extending combat immunity, but it was not. In that case, it was the families of the deceased—the young soldiers who had been killed or severely injured in Snatch Land Rover use—who wanted to challenge a decision that was not made by the chain of command. They were questioning the Whitehall civil servants who had made the decision to procure the Snatch Land Rovers. They were not challenging the fact that their loved ones were in a combat situation. They were arguing not about a decision taken on the battlefield, but about a decision on procurement. That is why it was important. Although people argue that we are chipping away at combat immunity, the Supreme Court has been very clear about that. That gives some of the background noise to this case, which is very difficult.

Can we have a situation whereby we are taking away the rights of our servicemen and women? I do not think we can. Looking at the evidence that was given in Committee by Mr Charles Byrne, the Royal British Legion has huge concerns about this issue. These are the types of cases that it will take. They are difficult cases, and they will need funding on occasions. On occasions, the RBL will be funding such cases as test cases, which are very important.

Look at the Snatch Land Rover decision, and look at all the law on asbestos. It was all done in test cases, many of which were time limited. They set precedents in law that opened up justice to thousands of people who had been injured, including servicemen and women and people who had worked in dockyards and other places. It is sometimes appropriate to look at a case and say, “Yes, this might be time limited, but there is a damn good reason for running this case, because it might have implications for other servicemen and women as well.”

The covenant should be there to no disadvantage, but what we are doing with part 2 of the Bill is worse than that. We are making servicemen and women veterans second-class citizens. They will not have the same rights that you and I have, Mr Stringer, to bring a time-limited case. As was said in Committee, they will not have the same rights as a prisoner or an asylum seeker. That cannot be right. Was that the Minister’s intention? No, I do not think for one minute that it was, because he does not want to do anything that would put our servicemen and women at a disadvantage. However, I think that what he is doing, by listening to what civil servants have told him, has led to a situation whereby he has brought trust within the MOD that in future this will not be a problem. But I think it will be. As this Bill goes forward, if the Minister is listening, this is a part of it that needs to be taken out; if it is taken out, the Bill will be improved. That would help a lot of people who have concerns about the Bill and are quite rightly criticising it.

I now turn to new clause 2, which aims to highlight that fact and give some credence to the idea that the Bill establishes a disadvantage. New clause 2 effectively asks why servicemen and women should be disadvantaged. I have picked prisoners as an example, because prison is an obvious situation in which there are large numbers of people and a large number of claims are generated. I think that it is good to highlight that comparison.

The other point about new clause 2 is that it is about how we futureproof the Bill. I have already mentioned a technology case, that relating to paint. We have technologies that are being generated today, but do we know what their effects will be in 10 or 20 years’ time? We had the discussion the other day about unmanned aerial vehicles, or UAVs. I think that all the evidence is out about, for example, the mental health effects of UAVs and the possible issues around them. It could lead to a situation whereby at some point in the future clear evidence comes to light about using UAVs or being exposed to that trauma—I accept what the Minister said, namely that in most cases people are not in immediate danger, as they are not on the battlefield as such, but if it is proven that they are exposed to trauma, what about those individuals?

We only have to look back in history to see how the process operates. For example, when early submarine technology came in at the turn of the century, there was no consideration of the effects that came to light later. The first submarine deployed in 1902, I think. The people on it were rough and ready, but the long-term exposure to life underwater had effects. There were psychological effects, but it has been proven since that there were also certain medical effects.

This issue is important, because in addition to the lessons learned, there is another process to consider. These unique cases—as I have said, perhaps there are not very many of them—can lead to huge change. For example, the Snatch Land Rover case was a way, first of all, of focusing on protective vehicles. I know that it is sometimes thought that lawyers are campaigning lawyers, or whatever they are called, but actually what they were doing in that case was protecting servicemen and women. So, the case drew focus to Snatch Land Rovers and why we needed more protection in equipment of that kind. Did the families involved receive some closure? I think they did, and in some cases they also received financial compensation, which was also important.

If that case improved the way that we procured vehicles, taking it into account, it had a beneficial effect. Likewise, I mentioned the case about paint. If we then make sure that people—servicemen and women—have protective equipment when they use that type of paint, things improve. The process can be seen as difficult and bureaucratic, with lawyers perhaps making money from it, but at the end of the day it not only saves lives but, I would argue, improves conditions.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o’clock.

