



# Overseas Operations (Service Personnel and Veterans) Act 2021

## CHAPTER 23

### OVERSEAS OPERATIONS (SERVICE PERSONNEL AND VETERANS) ACT 2021

#### PART 1

##### RESTRICTIONS ON PROSECUTION FOR CERTAIN OFFENCES

###### *Presumption against prosecution*

- 1 Prosecutorial decision regarding alleged conduct during overseas operations
- 2 Presumption against prosecution
- 3 Matters to be given particular weight
- 4 Section 3: supplementary

###### *Consent to prosecution*

- 5 Requirement of consent to prosecute

###### *General*

- 6 “Relevant offence”
- 7 General interpretation etc

#### PART 2

##### OVERSEAS OPERATIONS: LIMITATION PERIODS

- 8 Restrictions on time limits to bring actions: England and Wales
- 9 Restrictions on time limits to bring actions: Scotland

*Changes to legislation:* There are currently no known outstanding effects for the Overseas Operations (Service Personnel and Veterans) Act 2021. (See end of Document for details)

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- 10 Restrictions on time limits to bring actions: Northern Ireland
- 11 Court's discretion to extend time in certain Human Rights Act proceedings

### PART 3

#### GENERAL

- 12 Power to make consequential provision
- 13 Extent
- 14 Commencement and application
- 15 Short title

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### SCHEDULES

SCHEDULE 1 — Excluded offences for the purposes of section 6

PART 1 — CRIMINAL CONDUCT ETC UNDER ARMED FORCES LEGISLATION

#### *Criminal conduct etc under armed forces legislation*

- 1 (1) An offence under section 42 of the Armed Forces...

#### *Corresponding offences under law of England and Wales (including under repealed provisions)*

- 2 An offence under any provision of the Sexual Offences Act...
- 3 An offence under section 1 of the Indecency with Children...
- 4 An offence under section 1(1) of the Genocide Act 1969...
- 5 An offence under section 54 of the Criminal Law Act...
- 6 An offence under section 1 of the Protection of Children...
- 7 An offence under section 160 of the Criminal Justice Act...
- 8 An offence under any provision of the Sexual Offences Act...
- 9 An offence under section 63 of the Criminal Justice and...
- 10 An offence under section 62 of the Coroners and Justice...
- 11 An offence under section 33 of the Criminal Justice and...
- 12 An offence under section 2 of the Modern Slavery Act...
- 13 An offence at common law of outraging public decency.
- 14 An offence within any of paragraphs 18 to 20 (certain...
- 15 A reference in paragraphs 2 to 14 or paragraphs 30...

#### *Interpretation etc*

- 16 (1) In paragraph 1(1) the reference to the “corresponding civil...  
PART 2 — INTERNATIONAL CRIMINAL COURT ACT 2001

#### *Excluded offences within this Part*

- 17 An offence under the law of England and Wales or...

#### *England and Wales*

- 18 An offence under section 51 of the International Criminal Court...
- 19 An ancillary offence under the law of England and Wales...
- 20 An offence under subsection (1) of section 52 of the...

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### *Northern Ireland*

- 21 An offence under section 58 of the International Criminal Court...
- 22 An ancillary offence under the law of Northern Ireland in...
- 23 An offence under subsection (1) of section 59 of the...

### *Interpretation*

- 24 In this Part of this Schedule— (a) references to an...  
PART 3 — INTERNATIONAL CRIMINAL COURT (SCOTLAND) ACT 2001
- 25 An offence within any of paragraphs 26 to 28 is...
- 26 An offence under section 1(1) of the International Criminal Court...
- 27 An offence under section 2(1) of that Act (conduct ancillary...
- 28 An offence under subsection (3) of section 2 of that...

### *Interpretation*

- 29 In this Part of this Schedule references to an ancillary...  
PART 4 — OTHER OFFENCES OF TORTURE
- 30 An offence under section 134 of the Criminal Justice Act...
- 31 An offence under section 1(1) of the Geneva Conventions Act...  
PART 5 — PROVISIONS EXTENDING JURISDICTION IN RESPECT OF CERTAIN  
SEXUAL OFFENCES

### *Section 72 of the Sexual Offences Act 2003*

- 32 (1) Where by virtue of section 72 of the Sexual...

### *Article 76 of the Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))*

- 33 (1) Where by virtue of Article 76 of the Sexual...

### *Section 55 of the Sexual Offences (Scotland) Act 2009 (asp 9)*

- 34 (1) Where by virtue of section 55 of the Sexual...

### *Provisions superseded by provisions mentioned in paragraphs 32 to 34*

- 35 Where by virtue of section 7 of the Sex Offenders...
- 36 Where by virtue of section 16B of the Criminal Law...

### SCHEDULE 2 — Limitation periods: England and Wales

#### PART 1 — COURT'S DISCRETION TO DISAPPLY TIME LIMITS

- 1 (1) Section 33 of the Limitation Act 1980 (discretionary exclusion...  
PART 2 — RESTRICTION OF FOREIGN LIMITATION LAW
- 2 (1) The Foreign Limitation Periods Act 1984 is amended as...

### SCHEDULE 3 — Limitation periods: Scotland

#### PART 1 — COURT'S POWER TO OVERRIDE TIME-LIMITS

- 1 (1) The Prescription and Limitation (Scotland) Act 1973 is amended...  
PART 2 — RESTRICTION OF FOREIGN LIMITATION LAW
- 2 (1) The Prescription and Limitation (Scotland) Act 1973 is amended...

### SCHEDULE 4 — Limitation periods: Northern Ireland

#### PART 1 — COURT'S DISCRETION TO DISAPPLY TIME LIMITS

- 1 (1) Article 50 of the Limitation (Northern Ireland) Order 1989...

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- PART 2 — RESTRICTION OF FOREIGN LIMITATION LAW
- 2 (1) The Foreign Limitation Periods (Northern Ireland) Order 1985  
(S.I....

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