



Overseas Operations (Service Personnel and Veterans) Act 2021

2021 CHAPTER 23

PART 1

RESTRICTIONS ON PROSECUTION FOR CERTAIN OFFENCES

Consent to prosecution

5 Requirement of consent to prosecute

- (1) This section applies where—
 - (a) the condition in subsection (4) is met in relation to potential proceedings against a person for a relevant offence, and
 - (b) the period of 5 years beginning with the day on which the alleged conduct took place has expired.
- (2) If the offence is a service offence, no proceedings may be instituted against the person for the offence under the Armed Forces Act 2006 except with the consent of the Attorney General.
- (3) No proceedings may be instituted against the person for the offence—
 - (a) where the offence is punishable with a criminal penalty by the law of England and Wales, except with the consent of the Attorney General,
 - (b) where the offence is punishable with a criminal penalty by the law of Northern Ireland, except with the consent of the Advocate General for Northern Ireland.
- (4) The condition mentioned in subsection (1)(a) is that the alleged conduct took place (outside the British Islands) at a time when the person was—
 - (a) a member of the regular or reserve forces, or a member of a British overseas territory force to whom section 369(2) of the Armed Forces Act 2006 (persons subject to service law) applies, and
 - (b) deployed on overseas operations.

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

- (5) If the offence is alleged to have continued over a period of days, the 5 year period mentioned in subsection (1)(b) is to be taken to begin with the last of those days.

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Commencement Information

II S. 5 in force at 30.6.2021 by S.I. 2021/678, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Overseas Operations (Service Personnel and Veterans) Act 2021, Cross Heading: Consent to prosecution.