



Overseas Operations (Service Personnel and Veterans) Act 2021

2021 CHAPTER 23

PART 1 U.K.

RESTRICTIONS ON PROSECUTION FOR CERTAIN OFFENCES

General

6 “Relevant offence” U.K.

- (1) “Relevant offence” means any of the following (but with the exceptions set out in subsections (2) to (5))—
 - (a) an offence under section 42 of the Armed Forces Act 2006 (criminal conduct) or any provision mentioned in paragraph 1(2)(a) to (c) of Schedule 1 (provisions superseded by that section), and
 - (b) an offence punishable with a criminal penalty by the law of any part of the United Kingdom.
- (2) An offence is not a “relevant offence” if it is committed against an individual who at the time when the offence is committed is—
 - (a) a member of the regular or reserve forces,
 - (b) a member of a British overseas territory force,
 - (c) a Crown servant, or
 - (d) a defence contractor.
- (3) A service offence is not a “relevant offence” if it is an excluded offence by virtue of Part 1 of Schedule 1.
- (4) An offence punishable with a criminal penalty by the law of England and Wales, or of Northern Ireland, is not a “relevant offence” if it is an excluded offence in that part of the United Kingdom by virtue of Part 2 or 5 of Schedule 1.

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

- (5) An offence punishable with a criminal penalty by the law of Scotland is not a “relevant offence” if it is an excluded offence in Scotland by virtue of Part 3 or 5 of Schedule 1.
- (6) An offence is not a “relevant offence” if it is an excluded offence by virtue of Part 4 of Schedule 1.

Commencement Information

II S. 6 in force at 30.6.2021 by S.I. 2021/678, reg. 2

7 General interpretation etc **U.K.**

- (1) Where—
- (a) the offence mentioned in section 1(2) or 5(1)(a) is murder or any other offence one of the elements of which is causing a person's death, and
 - (b) the death occurred after the day on which the person sustained the injury that caused it,
- the day (or time) of the alleged conduct is not to be taken to be different from what it would have been if the death had occurred when the injury was sustained.
- (2) In this Part references to the British Islands include the territorial sea adjacent to the United Kingdom and the territorial sea adjacent to any of the Channel Islands or the Isle of Man.
- (3) The following are “relevant prosecutors” for the purposes of this Part—
- (a) the Director of Service Prosecutions and any person appointed under section 365 of the Armed Forces Act 2006 (prosecuting officers);
 - (b) in England and Wales, the Director of Public Prosecutions, a Crown Prosecutor and any person to whom the institution or taking over of proceedings for the offence mentioned in section 1(2) has been assigned under section 5(1) of the Prosecution of Offences Act 1985;
 - (c) in Scotland, any prosecutor as defined in section 307(1) of the Criminal Procedure (Scotland) Act 1995 (other than a private prosecutor);
 - (d) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland, the Deputy Director of Public Prosecutions for Northern Ireland, a Public Prosecutor and any person to whom the institution or taking over of proceedings for the offence mentioned in section 1(2) has been assigned under section 36(2) of the Justice (Northern Ireland) Act 2002 (c. 26 (N.I.)).
- (4) In this Part—
- “alleged conduct”, in relation to proceedings or potential proceedings for an offence, means the act or omission alleged to constitute the offence;
- “British overseas territory force” means any of Her Majesty's forces that is raised under the law of a British overseas territory;
- “Crown servant” means a person employed by or in the service of the Government of the United Kingdom;
- “defence contractor” means a person engaged in providing goods or services for the purposes of any of Her Majesty's forces under contract (whether as, or on behalf of, a party to the contract);

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“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act);

“investigating authority” means—

- (a) a service police force,
- (aa) ^[F1]the tri-service serious crime unit,
- (b) a UK police force, or
- (c) an overseas police force;

“overseas operations” has the meaning given by section 1(6);

“overseas police force” has the same meaning as in the Armed Forces Act 2006 (see section 375 of that Act);

“the regular forces” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act);

“relevant offence” has the meaning given by section 6;

“relevant previous investigation” has the meaning given by section 4;

“relevant prosecutor” has the meaning given by subsection (3);

“the reserve forces” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act);

“service offence” has the same meaning as in the Armed Forces Act 2006 (see section 50(2) of that Act);

“service police force” has the same meaning as in the Armed Forces Act 2006 (see section 375 of that Act);

^[F2]“tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006;

“UK police force” has the same meaning as in the Armed Forces Act 2006 (see section 375 of that Act).

- (5) Subsections (2) and (3) of section 368 of the Armed Forces Act 2006 (references to members of the regular forces) apply for the purposes of this Part as they apply for the purposes of that Act.

Textual Amendments

- F1** Words in s. 7(4) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 52(a)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F2** Words in s. 7(4) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 52(b)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
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Commencement Information

- I2** S. 7 in force at 30.6.2021 by S.I. 2021/678, reg. 2

Changes to legislation:

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