

# Armed Forces protected from vexatious claims in important step

As part of the Overseas Operations (Service Personnel and Veterans) Bill, serving and former Armed Forces personnel will have more legal protection from prosecution for alleged historical offences resulting from overseas operations.

This new law is an important step in the Government's ongoing commitment to provide life-long support to military personnel to whom a vast debt of gratitude is owed, and recognises the unique burden and pressures felt by military personnel during overseas conflict.

The introduction of the law follows operations in recent years giving rise to an unprecedented number of legal claims.

For example, military operations in Iraq resulted in nearly 1,000 compensation claims against the Ministry of Defence for unlawful detention, personal injury and death. There were also approximately 1,400 judicial review claims against the MOD seeking investigations and compensation for a variety of alleged human rights violations.

This series of long-drawn-out investigations and litigation led to uncertainty among military personnel and others called upon to give evidence.

Defence Secretary Ben Wallace said:

For decades the men and women of our Armed Forces have been faced with the prospect of repeated investigations by inquest and police – despite the vast majority having acted in accordance with the rule of law and often at great personal risk.

That is why the Government will today legislate to protect our veterans against repeated reinvestigations where there is no new and compelling evidence against them, and to end vexatious claims against our Armed Forces.

Minister for Defence People and Veterans Johnny Mercer said:

Today we deliver on our promise to tackle vexatious claims and end the cycle of re-investigations against our Armed Forces.

This package of legal measures will reduce the unique pressure faced by personnel who perform exceptional feats in incredibly difficult and complex circumstances.

This important next step has gone further than any other Government

before to protect military personnel who put their life in jeopardy to protect us.

The new law will:

- Introduce a presumption that once five years have elapsed from the date of an incident, it will be exceptional for a prosecutor to determine that a service person or veteran should be prosecuted for alleged offences on operations outside the UK. The Bill will create a new 'triple lock' in order to give service personnel and veterans greater certainty, including obtaining the consent of the Attorney General before a prosecution can proceed.
- Require the court to consider the operational context when deciding whether to extend the normal time limits for bringing civil claims for personal injury or death and for bringing claims under the Human Rights Act (HRA) in connection with overseas operations.
- Introduce a longstop restricting to an absolute maximum of six years the time limit for bringing civil claims for personal injury or death and for bringing HRA claims in connection with overseas operations.
- Ensure that all future governments are compelled to consider derogating from the European Convention on Human Rights in relation to significant overseas military operations.
- The new law follows a consultation launched last July which heard the public's views on new proposals.

Alongside this, the Government is today setting out how we propose to address the legacy of the past in Northern Ireland in a way that focuses on reconciliation, delivers for victims, and ends the cycle of reinvestigations into the Troubles – ensuring that Northern Ireland veterans receive equal treatment to their counterparts who served overseas.

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## **Government knocks down barriers to productivity for tenant farmers**

Tenant farmers are set to benefit from greater flexibility in tenancy law under new plans to modernise legislation and boost productivity.

The government has today published [the response to its consultation on agricultural tenancy law in England](#) and confirmed it will amend the Agricultural Holdings Act (AHA) to make it fit for purpose in the 21st century. This will enable tenant farmers to be more productive and have greater freedom in their business planning.

Amendments include repealing the minimum succession retirement age of 65 to provide tenants with the flexibility to decide when it is right for them to retire and hand over the farm to the next generation.

A new dispute mechanism will also be introduced to enable AHA tenants to ask to vary restrictions in their tenancy agreements and make it easier for them to apply for the future Environmental Land Management scheme.

Farming Minister Victoria Prentis said,

Agricultural tenancies account for a third of all farmland in this country, so tackling barriers to productivity for the tenanted sector is vital for unlocking the potential of the farming industry as a whole.

We know that our tenant farmers are some of the most engaged and innovative in the sector and it is high time that we modernise outdated legislation so that it is fit for today's farmers and their families.

I am pleased that we have already been able to incorporate some of these proposals into our landmark Agriculture Bill and look forward to working closely with industry to continue supporting this vibrant sector.

The government consulted the sector on these changes 2019, [when it launched a 12-week consultation on proposals that would remove current barriers to productivity](#).

This built on the work of the Tenancy Reform Industry Group (TRIG), who previously provided government with advice on key policy priorities for the tenanted sector in the design of the country's future agricultural system.

These amendments correspond with proposals receiving broad support from consultation responses and have been included within the government's landmark Agriculture Bill introduced to Parliament earlier this year.

The government response also sets out next steps for the proposals, as well as summarising the responses to the call for evidence.

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# Addressing Northern Ireland Legacy Issues

Today the Government announced the introduction of legislation to provide greater certainty for service personnel and veterans who serve in armed conflicts overseas. Alongside this, we are setting out how we propose to address the legacy of the past in Northern Ireland in a way that focuses on reconciliation, delivers for victims, and ends the cycle of reinvestigations into the Troubles in Northern Ireland that has failed victims and veterans alike – ensuring equal treatment of Northern Ireland veterans and those who served overseas.

We have heard from many across Northern Ireland and the rest of the United Kingdom that the current approach is not working well for anyone, and that it erodes confidence in public institutions that exist to support society as a whole. Discussions about how to change this have been ongoing for many years. The Stormont House Agreement in 2014 was an important milestone, but it did not stop the debate continuing.

Many families have waited too long to find out what happened to their loved ones, while those who defended the rule of law deserve certainty that there will be an end to repeated questions about what happened during their service. A better way to deal with the past is necessary, if we are to help the whole of society to effectively heal the wounds of the Troubles and become better reconciled with our difficult history.

In 2018, the Government carried out a public consultation on ‘Addressing the Legacy of Northern Ireland’s Past’, inviting views on proposals based on the Stormont House Agreement. The consultation attracted over 17,000 responses – summarised in the Government’s ‘Analysis of the consultation responses’, published in July 2019. We have carefully considered each and every one of these, and sought to identify a way forward that will deliver for all those affected by the legacy of the Troubles and enable all sides of the community to reconcile and prosper. It is clear that, while the principles underpinning the draft Bill as consulted on in 2018 remain, significant changes will be needed to obtain a broad consensus for the implementation of any legislation. We believe that the proposals set out below provide a framework for doing this.

It is the Government’s view that to best meet the needs of all victims and of wider society, we need to shift the focus of our approach to the past. While there must always be a route to justice, experience suggests that the likelihood of justice in most cases may now be small, and continues to decrease as time passes. Our view is that we should now therefore centre our attention on providing as much information as possible to families about what happened to their loved ones – while this is still possible.

Our proposals have therefore evolved to remain true to the principles of the Stormont House Agreement but with a greater emphasis on gathering information

for families; moving at a faster pace to retrieve knowledge before it is lost; and doing more to help individuals and society to share and understand the tragic experiences of the past.

It is proposed that these measures should be carried out by one independent body to ensure the most efficient and joined-up approach, putting the needs of the individuals most affected at the heart of the process. This body will oversee and manage both the information recovery and investigative aspects of the legacy system, and provide every family with a report with information concerning the death of their loved one.

The Government wants information recovery and reconciliation to be at the heart of a revised legacy system that puts victims first. The Government is committed to the rule of law but given the considerable time that has elapsed since many of these incidents took place it is vital that we swiftly implement an effective information recovery mechanism before this information is lost forever.

The Government will ensure that the investigations which are necessary are effective and thorough, but quick, so we are able to move beyond the cycle of investigations that has, to date, undermined attempts to come to terms with the past. Only cases in which there is a realistic prospect of a prosecution as a result of new compelling evidence would proceed to a full police investigation and if necessary, prosecution. Cases which do not reach this threshold, or subsequently are not referred for prosecution, would be closed and no further investigations or prosecutions would be possible – though family reports would still be provided to the victims' loved ones. Such an approach would give all participants the confidence and certainty to fully engage with the information recovery process.

The Government believes that this approach would deliver a fair, balanced, and proportionate system that is consistent with the principles of the Stormont House Agreement and deliver for all those who have been affected by the events of the past; striking a balance in enabling criminal investigations to proceed where necessary, while facilitating a swift transition to an effective information recovery mechanism before this information is lost forever.

The Government is committed to introducing legislation in line with our commitments in 'New Decade, New Approach', to move forward and deliver for all communities in Northern Ireland and beyond.

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**HMRC prioritise applications to use denatured alcohol in hand sanitising**

# products

Since the outbreak of Coronavirus (COVID-19), demand for alcohol-based hand sanitising products has increased sharply, leading to some shortages. To meet the additional demand, HMRC is supporting manufacturers by ensuring they have access to the denatured alcohol they need to produce sanitisers.

HMRC approves all applications to use denatured alcohol, which is integral to the manufacture of sanitised hand gels. Under new measures, HMRC is fast-tracking applications so that manufacturers wanting to produce hand sanitising products can be quickly authorised.

By introducing these measures HMRC hopes to remove a potential barrier to production and enable suppliers to meet the increased demand.

In the last 3 weeks, HMRC has increased the limit of authorised use denatured alcohol in the production of hand sanitiser gels, totalling 2.5 million additional litres.

An HMRC spokesperson said:

By enabling the fast-tracking of authorisations to use denatured alcohol, we are providing manufacturers with the potential to produce the extra hand sanitiser gel needed during the coronavirus outbreak. We hope that this will provide manufacturers with the support they need to meet the sudden increase in demand for their products.

HMRC will continue to work with the industry to ensure we are taking all possible steps to support production.

Existing standards and criteria will continue to be applied to licence applications.

- Only applications for the Industrial denatured alcohol (IDA) and Trade Specific Denatured Alcohol (TSDA1) used in the manufacture of sanitising hand gel are to be fast-tracked
- To help us with this, businesses should only apply for permission to produce what they actually need in relation to current rather than anticipated demand
- Under the new measures HMRC will fast track their assurance checks, not replace them – current standards for assuring applications to manufacture, supply or use denatured alcohol will continue to apply

- With these measures put in place, HMRC will strive to process requests within 5 working days

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## CMA Covid-19 update

The Competition and Markets Authority (CMA) is concerned above all to ensure the safety and well-being of its staff and all those it engages with, while continuing to do its utmost to help ensure that the UK public is protected from anti-competitive practices, transactions and unfair trading.

It has therefore implemented a range of precautions, taking into account official advice, and continues to review and update its protocols as this complex situation develops.

Among other things, the CMA is making the following changes:

- All staff are now working from home if they are able to do so. As well as protecting staff, this will allow the CMA to continue to progress cases, make decisions and meet deadlines. The CMA has also stopped business travel and travel between its different offices.
- All meetings are being conducted remotely via videoconferencing or telephone. It is no longer necessary or appropriate, given the official guidance, to hold face-to-face external meetings. People can still make decisions and take part in meetings while working from home, including with people from outside the organisation.
- Binding statutory deadlines apply to a significant proportion of the CMA's work and it intends to continue progressing its cases, making decisions and meeting deadlines – helped in part by the adjustments it is already making to things like remote working. At the same time, it will continue to monitor timetables including, as permitted, extending statutory timeframes where necessary. Any updates will be communicated to businesses involved in investigations and made public on the CMA website.
- It is reallocating resources to help ensure that the most urgent and the most critical work can be done on time.

The CMA continues to monitor official advice and will provide further updates about how it expects to adapt its work in response to the unprecedented challenges now faced by many parts of the economy.

This is a difficult period for everyone – including the businesses, people and public authorities the CMA engages with, as well as its own staff. But it is determined to work co-operatively to ensure that, to the greatest extent

possible, work can carry on for the benefit of consumers.

How the organisation is working may be changing in some ways, but its role remains the same: to promote competition for the benefit of UK consumers.