



COMMENT

It is unconscionable to impose a time limit on the rights of military personnel

The only beneficiary of the proposed bill is the Ministry of Defence, which could use it to dodge responsibility for those injured through its negligence

Sam Elsby

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To repeat something often does not mean it is true. For the government to pursue legislation that includes a restriction of the rights of military personnel while repeatedly claiming that the legislation is “good” for them is not just deluded — it is utterly unconscionable.

Little wonder then that the Overseas Operations (Service Personnel and Veterans) Bill has generated such heated parliamentary debate.

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the date of an offence committed overseas. The stated aim of the government is to provide “certainty” to service personnel and end “the cycle of reinvestigation of historic events”.

The second part, which has provoked such concern among personal injury lawyers, imposes a strict six-year limit on the bringing of civil claims against the Ministry of Defence by military personnel who suffer injuries or illness while serving overseas. This draconian move will leave military personnel with less flexibility and therefore fewer rights to compensation than the civilians they serve.

Any lawyer who handles military injury claims can attest that it is not always possible to assume an injured member of the armed forces or a veteran can bring a claim for compensation against the MoD within the usual permitted time limits. That is why the courts have the discretion to extend those limits.

Naturally, some people are nervous about taking legal action against the ministry while still in service. In some cases there will be health problems to consider; and in others personnel may believe that they are unable to pursue a claim while serving, or are told by senior officers that they do not have a valid claim.

Often it is only when people leave the service that they discover they could have been entitled to make a claim after all. This could be too late if this bill becomes law.

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The government has clearly conflated two issues without any reasonable explanation. The bill is now with the House of Lords and it is hoped that peers will see through this thinly veiled attempt to shoehorn in a money-saving change under the guise of fairness for veterans and personnel.

The only beneficiary of part two of the bill would be the MoD, as it would allow officials to escape responsibility for some of those who are injured through its negligence in circumstances when any other employer would be held accountable.

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Furthermore, the proposals within the bill are contrary to the armed forces covenant, which is “a promise by the nation ensuring that those who serve or who have served in the armed forces, and their families, are treated fairly”.

Sam Elsby is the president of the Association of Personal Injury Lawyers

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