Ministry
of Defence

MINISTRY OF DEFENCE
FLOOR 5 ZONE B MAIN BUILDING
WHITEHALL LONDON SW1A 2HB

Telephone: 020 7218 9000 (Switchboard)

THE RT HON BARONESS GOLDIE DL
MINISTER OF STATE IN THE HOUSE OF LORDS

MSU/4/8/2/3/ap   5 February 2021

Dear Helen,

During the Second Reading of the Overseas Operations (Service Personnel and Veterans) Bill on 20 January 2021, you asked a question about the date of knowledge for claims against the Department for injuries that may take many years to show up.

I won't go into individual cases in this letter, but I am confident that many of the examples that have been identified as cases which would not have been allowed to proceed (given the time that elapsed between the incident and bringing a claim) would in fact have been within the absolute time limits proposed by this legislation, because time limits can be calculated from either the date of the incident, or from the date of knowledge.

The Bill does not change how the time limit is calculated for death and personal injury claims, and it introduces a date of knowledge provision for Human Rights Act (HRA) claims connected with overseas operations. For personal injury and death claims, if information about suspected negligence by the Ministry of Defence only comes to light many years after an incident, the six-year time period would start from the date the claimant had knowledge of that information. Similarly, for HRA claims, a new date of knowledge provision will enable claims to be brought up to 12 months after the date of knowledge, even if that 12-month period begins running more than six years after the date of the incident.

The date of knowledge also means that for health conditions that may not be diagnosed until much later, the six years (or 12 months) could start from the date of diagnosis. I hope this provides reassurance on this point.

I am placing a copy of this letter in the Library of the House.

Yours sincerely,

[signature]

BARONESS GOLDIE DL

Baroness Liddell of Coatdyke
House of Lords
London
SW1A 0PW