

Queen's Speech 2021— foreign affairs, defence and international development

LNB News 11/05/2021 98

A summary of the key foreign affairs, defence and international development announcements made in the 2021 Queen's Speech on 11 May 2021, including the Counter-State Threats Bill, Telecommunications (Security) Bill, Defence Spending, the Armed Forces Bill and foreign affairs. Partner at Bolt Burdon Kemp, Ahmed Al-Nahhas comments on the speech.

Her Majesty announced the government's intention to introduce legislation to counter hostile activity by foreign states in the form of the Counter-State Threats Bill and the Telecommunications (Security) Bill.

The Counter-State Threats Bill will seek to reform the Official Secrets Acts of 1911, 1920 and 1939 to adapt them to current threats. It will also provide for the creation of a Foreign Influence Registration Scheme and grant new powers to security services to combat espionage, foreign interference and to protect British intellectual property from state actors. The government has also said it will consider criminalising harmful activities done on behalf of states and updating treason laws to reflect this.

The Telecommunications (Security) Bill will grant the government further powers to regulate standards of UK telecom networks to counter national security threats. The Bill would also introduce new duties on telecom firms, new responsibilities on Ofcom and new fines to enforce the legislation.

The Queen conveyed the government's intention to enact the Integrated Review of Security, Defence, Development and Foreign Policy, by increasing defence spending and the UK's commitment to NATO. Funding will be focused on research into artificial intelligence, the renewal of the UK's nuclear deterrent, the delivery of eight Type 26 and five Type 31 Frigates, a minimum of 48 F-35 carrier-borne fighter-bombers and the upgrade of 148 Challenger III main battle tanks.

Her Majesty spoke of the government's intention to reform the service justice system and Courts Martial with the Armed Forces Bill. Al-Nahhas stated the following on the consequences of the Bill in the context of personal injury claims:

'The Bill seeks to create the office of the Service Police Complaints Commissioner and enable a regime to be created for complaints against the Service Police which is expected to be modelled on the civilian regime in England and Wales (under the Police Reform Act 2002). Practitioners who have claims involving personal injury which are being investigated by the Service Police will need to navigate this new regime in circumstances where, for example, the investigation has been found wanting and a prosecution/conviction is needed to support a civil claim. This new regime will also play a part in claims where harm has been caused by the Service Police i.e. actions against the police.

The Armed Forces Covenant – The Armed Forces Covenant is a promise between the nation and its armed forces. It is rooted in legislation that sought to guarantee welfare to the families of fallen service personnel. The Bill seeks to make concrete some of these obligations on certain specified persons or bodies when exercising decisions in relation to the welfare of service personnel and veterans (in relation to housing, education and healthcare). Failures to take reasonable steps in relation to the welfare of service personnel or veterans can lead to civil claims, and so this may enhance arguments involving breaches of a duty of care.

Service complaints – the Service complaints system is the military's equivalent of a civilian grievance process and is sometimes a gateway to gathering evidence in potential civil claims. Somewhat controversially, the Act seeks to remedy the recognised inefficiencies and significant delays in the system by imposing on complainants a stricter regime for lodging appeals (reduced from 6 weeks to 2 weeks) and conferring on deciding bodies the power to limit a complainant's grounds for appeal. Some lawyers will recoil at the thought of a deciding body limiting the grounds on which an appeal can be made on its own decision, but the Bill seeks to make that thought a reality.

Tied to these reforms and potentially having far wider implications for personal injury practitioners is the Overseas Operations (Service Personnel and Veterans) Act 2021, which in summary will:

- introduce a 6 year 'long stop' for all claims relating to any personal injury that has occurred during overseas military operations, and thereby withdrawing from claimants the right to rely on Section 33 of the Limitation Act 1980.
- where Section 33 of the Limitation Act is relied on to bring a claim out of time, the Bill creates a number of new provisions to which the Court must have regard i.e. imposing a stricter regime for the assessment and application of Section 33.
- introduce similar limitations and restrictions for claims brought under the Human Rights Act.

Defendant practitioners might argue that these provisions are necessary to remedy the perceived erosion of the principle of 'combat immunity', previously considered in cases such as *Smith and others v Ministry of Defence* [2013] UKSC 41. Claimant practitioners are concerned about the arbitrary nature of the 'long stop' and say that the Bill will unduly limit the civil rights of service personnel, veterans and their families. They also balk at the concept that such amendments would 'protect' service personnel, which has been the selling point of the Bill. In fact, the vast majority of claims that will be affected are those brought against the Ministry of Defence by service personnel.'

On foreign policy, the Queen spoke of the UK's Presidency of the G7, and hosting of COP26. In an attached press release, the government announced that the coronavirus (COVID-19) pandemic will affect the size of the aid budget but will spend at least £10bn in 2021 to combat world poverty. The government has also said it will continue efforts to promote the education of girls in developing countries, and will seek to develop global trade.

For more information, see: Queen's Speech 2021—key themes and proposals, LNB News 11/05/2021 61

Sources:

- Queen's Speech 2021
- The Queen's Speech 2021 – Background Briefing Notes

[About LexisNexis](#)[Privacy Policy](#)[Cookies Policy](#)[Terms & Conditions](#)[Help](#)[Contact us](#)

Copyright ©2021 LexisNexis. All rights reserved

