



Armed Forces Act 2006

2006 CHAPTER 52

Second Group of Parts Miscellaneous Matters

PART 14

ENLISTMENT, TERMS OF SERVICE ETC

Redress of individual grievances

334 Redress of individual grievances: service complaints

- (1) If—
 - (a) a person subject to service law thinks himself wronged in any matter relating to his service, or
 - (b) a person who has ceased to be subject to service law thinks himself wronged in any such matter which occurred while he was so subject,he may make a complaint about the matter under this section (a “service complaint”).
- (2) But a person may not make a service complaint about a matter of a description specified in regulations made by the Secretary of State.
- (3) The Defence Council must by regulations make provision with respect to the procedure for making and dealing with service complaints.
- (4) The regulations must in particular make provision requiring—
 - (a) a service complaint to be made to an officer of a prescribed description;
 - (b) the officer to whom a service complaint is made to decide whether to consider the complaint himself or to refer it to a superior officer of a prescribed description or to the Defence Council;
 - (c) a service complaint considered by the officer to whom the complaint is made to be referred, on the application of the complainant, to a superior officer of a prescribed description or (if the officer considers it appropriate) to the Defence Council;

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- (d) a superior officer to whom a service complaint is referred by virtue of paragraph (b) or (c) to decide whether to consider the complaint himself or to refer it to the Defence Council;
 - (e) a service complaint considered by a superior officer to whom the complaint is referred by virtue of paragraph (b) or (c) to be referred, on the application of the complainant, to the Defence Council.
- (5) Without prejudice to the generality of subsections (3) and (4), the regulations may also make provision—
- (a) as to the way in which a service complaint is to be made (including provision as to the information to be provided by the complainant);
 - (b) that a service complaint, or an application of a kind mentioned in subsection (4)(c) or (e), may not be made, except in prescribed circumstances, after the end of a prescribed period.
- (6) A period prescribed under subsection (5)(b) must not be less than three months beginning with the day on which the matter complained of occurred.
- (7) If, under provision made by virtue of subsections (3) and (4)—
- (a) an officer decides to consider a service complaint himself, or
 - (b) a service complaint is referred to the Defence Council,
- the officer or the Defence Council (“the appropriate person”) must decide whether the complaint is well-founded.
- (8) If the appropriate person decides that the complaint is well-founded, he must—
- (a) decide what redress (if any), within his authority, would be appropriate; and
 - (b) grant any such redress.
- (9) In this section “prescribed” means prescribed by regulations made by the Defence Council.

335 Service complaints: role of Defence Council and service complaint panels

- (1) The Defence Council may, to such extent and subject to such conditions as they consider appropriate, delegate to a panel of persons (a “service complaint panel”) all or any of the functions conferred on the Defence Council by or under section 334.
- (2) The delegation under subsection (1) of a function may relate to—
 - (a) a particular service complaint; or
 - (b) any service complaint of a description determined by the Defence Council.
- (3) The members of a service complaint panel, other than any member appointed by virtue of section 336(6)(a), are to be appointed by the Defence Council (see further section 336).
- (4) The Defence Council may, to such extent and subject to such conditions as they consider appropriate, delegate to a person employed in the civil service of the State or an officer—
 - (a) their function of deciding whether, and if so to what extent and subject to what conditions, they should delegate any of their functions to a service complaint panel under subsection (1);
 - (b) their function of appointing members of service complaint panels under subsection (3).

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- (5) The delegation under subsection (4) of a function may relate to—
 - (a) a particular service complaint;
 - (b) any service complaint of a description determined by the Defence Council; or
 - (c) all service complaints.
- (6) The Defence Council may require a service complaint panel to assist them in carrying out any of the functions conferred on them by or under section 334.
- (7) The Defence Council may authorise a person (whether or not a service complaint panel or a member of such a panel) to investigate on their behalf—
 - (a) a particular service complaint; or
 - (b) any service complaint of a description determined by them.
- (8) In this section “service complaint” has the same meaning as in section 334.
- (9) Nothing in this section affects the application of section 1(5) or (7) of the Defence (Transfer of Functions) Act 1964 (c. 15) (discharge by Service Boards of Defence Council’s functions under any enactment etc) to the functions of the Defence Council (in particular, the functions conferred on them by or under section 334 and this section).

336 Composition and procedure of service complaint panels

- (1) A person may not be a member of a service complaint panel unless he is—
 - (a) a senior officer (see subsection (4)); or
 - (b) a person employed in the civil service of the State;but this is subject to any regulations made by virtue of subsection (6)(a) (appointment of independent members).
- (2) A service complaint panel must consist of at least two members.
- (3) At least one member of a service complaint panel must be a senior officer.
- (4) In this section “senior officer” means an officer who is—
 - (a) subject to service law; and
 - (b) of or above the rank of commodore, brigadier or air commodore.
- (5) The Secretary of State may by regulations—
 - (a) make further provision with respect to the composition of service complaint panels;
 - (b) make provision as to the procedure of service complaint panels (either generally or in prescribed circumstances).
- (6) The regulations may in particular—
 - (a) require, in the case of any service complaint of a prescribed description, a service complaint panel to include one independent member;
 - (b) impose, in the case of all service complaints or any service complaint of a prescribed description, any requirement in addition to those imposed by subsections (1) to (4);
 - (c) impose, in the case of any service complaint of a prescribed description, a greater requirement than that imposed by any provision of those subsections (for example, requiring an officer to be of or above a higher rank than those

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specified in subsection (4) in order to be a senior officer for the purposes of this section).

(7) In this section—

“independent member” means a person appointed by the Secretary of State who is not—

- (a) a member of the regular or reserve forces; or
- (b) a person employed in the civil service of the State;

“prescribed” means prescribed by regulations under this section;

“service complaint” has the same meaning as in section 334;

“service complaint panel” has the same meaning as in section 335.

337 Reference of individual grievance to Her Majesty

(1) This section applies if conditions A to C are met.

(2) Condition A is that a service complaint is made about a matter by—

- (a) an officer; or
- (b) a person who was an officer at the time the matter occurred.

(3) Condition B is that—

- (a) a decision on the complaint is taken by the Defence Council under section 334; and
- (b) the Defence Council’s function of taking that decision is not delegated to a service complaint panel to any extent.

(4) Condition C is that the complainant makes an application to the Defence Council stating why, in his view—

- (a) he should be given redress; or
- (b) he should be given different or additional redress.

(5) The Defence Council must make a report on the complaint to Her Majesty, in order to receive the directions of Her Majesty on the complaint.

(6) In this section—

“service complaint” has the same meaning as in section 334;

“service complaint panel” has the same meaning as in section 335.