



# Armed Forces Act 1996

## 1996 CHAPTER 46

### *Redress of complaints*

#### **20 Services redress of complaints procedures**

- (1) For section 180 of the Army Act 1955 there shall be substituted the following section—

##### **“180 Redress of complaints**

- (1) If a person subject to military law thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- (2) A person may not make a complaint under this section with respect to a matter against which he may present a petition under section 113 of this Act, ask for a review under section 115 of this Act or bring an appeal under the Courts-Martial (Appeals) Act 1968.
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen’s Regulations, which may, in particular, provide—
  - (a) for a complaint not to be made after the end of such period as may be prescribed;
  - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
  - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and
  - (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
  - (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
  - (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen's Regulations.
  - (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
  - (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
  - (9) This section applies to a person who is not subject to military law, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to military law.
  - (10) In this section "prescribed" means prescribed by Queen's Regulations."
- (2) For section 180 of the Air Force Act 1955 there shall be substituted the following section—

**"180 Redress of complaints**

- (1) If a person subject to air-force law thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- (2) A person may not make a complaint under this section with respect to a matter against which he may present a petition under section 113 of this Act, ask for a review under section 115 of this Act or bring an appeal under the Courts-Martial (Appeals) Act 1968.
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen's Regulations, which may, in particular, provide—
  - (a) for a complaint not to be made after the end of such period as may be prescribed;
  - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
  - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and
  - (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint

or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.

- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
  - (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
  - (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen's Regulations.
  - (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
  - (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
  - (9) This section applies to a person who is not subject to air-force law, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to air-force law.
  - (10) In this section "prescribed" means prescribed by Queen's Regulations."
- (3) For section 130 of the 1957 Act there shall be substituted the following section—

**"130 Redress of complaints**

- (1) If a person subject to this Act thinks himself wronged in any matter relating to his service he may make a complaint with respect to that matter to such officer as may be prescribed.
- (2) A person may not make a complaint under this section with respect to a matter against which he may present a petition under section 70 of this Act, ask for a review under section 71B of this Act or bring an appeal under the Courts-Martial (Appeals) Act 1968.
- (3) The procedure for making and dealing with a complaint under this section shall be laid down in Queen's Regulations, which may, in particular, provide—
  - (a) for a complaint not to be made after the end of such period as may be prescribed;
  - (b) for any such period to be extended, in the case of a complaint made after the end of the period, in such circumstances as may be prescribed;
  - (c) for a complaint to be referred, for its first consideration, by the officer to whom it was made to a superior officer; and

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- (d) if the complainant does not obtain the redress to which he thinks he is entitled (whether from the officer who first considered the complaint or from a superior officer by virtue of provision made as mentioned in this paragraph), for the complaint to be referred to, and considered by, a superior officer.
- (4) Any period prescribed for the purposes mentioned in subsection (3)(a) above shall not be less than three months beginning with the day on which the matter complained of occurred.
- (5) An officer to whom a complaint is made or referred under provision made by virtue of subsection (3) above shall grant any redress which appears to him necessary.
- (6) If the complainant does not obtain the redress to which he thinks he is entitled by the procedure referred to in subsection (3) above, he may submit his complaint to the Defence Council in accordance with the procedure laid down in Queen's Regulations.
- (7) The Defence Council shall have any complaint submitted to them investigated and shall grant any redress which appears to them necessary.
- (8) Where a complaint by an officer has been submitted to the Defence Council and he does not obtain the redress to which he thinks he is entitled, the Defence Council shall, at his request, make a report on the complaint through the Secretary of State to Her Majesty in order to receive the directions of Her Majesty thereon.
- (9) This section applies to a person who is not subject to this Act, in relation to any matter which took place while he was so subject, as it applies to a person who is subject to this Act.
- (10) In this section "prescribed" means prescribed by Queen's Regulations."