



# Armed Forces Act 2006

## 2006 CHAPTER 52

### [<sup>F1</sup>PART 16A

#### ARMED FORCES COVENANT [<sup>F2</sup>REPORT]

##### Textual Amendments

- F1** Pt. 16A inserted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), ss. 2, 32(3); S.I. 2012/669, art. 4(a)
- F2** Word in Pt. 16A heading omitted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by virtue of [Armed Forces Act 2021 \(c. 35\)](#), ss. 8(2), 24(1); S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3

#### **343A Armed forces covenant report**

- (1) The Secretary of State must in each calendar year—
  - (a) prepare an armed forces covenant report; and
  - (b) lay a copy of the report before Parliament.
- (2) An armed forces covenant report is a report about effects of membership, or former membership, of the armed forces on service people, or particular descriptions of such people—
  - (a) in the fields of healthcare, education and housing;
  - (b) in the operation of inquests; and
  - (c) in such other fields as the Secretary of State may determine.
- (3) In preparing an armed forces covenant report the Secretary of State must have regard in particular to—
  - (a) the unique obligations of, and sacrifices made by, the armed forces;
  - (b) the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces; and

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- (c) the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.
- (4) For the purposes of preparing an armed forces covenant report, the Secretary of State must obtain the views of any relevant government department, and seek the views of any relevant devolved administration, in relation to the effects to be covered by the report.
- (5) An armed forces covenant report must—
  - (a) set out in full or summarise the views of a relevant government department or relevant devolved administration obtained pursuant to subsection (4); and
  - (b) where the views of a relevant devolved administration have been sought but not obtained, state that fact.
- (6) The Secretary of State may not include in an armed forces covenant report a summary under subsection (5)(a) unless the relevant government department or relevant devolved administration has approved the summary.
- (7) An armed forces covenant report must state whether, in the Secretary of State's opinion, any effects covered by the report are such that service people or particular descriptions of service people are at a disadvantage as regards the field or fields in question, when compared with other persons or such descriptions of other persons as the Secretary of State considers appropriate.
- (8) Where the Secretary of State's opinion is that service people or particular descriptions of service people are at a disadvantage as mentioned in subsection (7), the report must set out the Secretary of State's response to that.
- (9) As regards effects covered by an armed forces covenant report—
  - (a) the Secretary of State must consider whether the making of special provision for service people or particular descriptions of service people would be justified; and
  - (b) where the Secretary of State considers that such provision would be justified, the report must contain a reference to that fact.
- (10) In relation to any particular description of service people covered by a report, the reference in subsection (2)(a) to the fields of healthcare, education and housing is to such of those fields as the Secretary of State considers are ones in which people of that description are affected by membership or former membership of the armed forces.

### **Due regard to principles: England**

**F3343AA**

- (1) In exercising in relation to England a relevant function, a person or body specified in subsection (3) must have due regard to—
  - (a) the unique obligations of, and sacrifices made by, the armed forces,
  - (b) the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces, and
  - (c) the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.
- (2) In this section “relevant function”, in relation to a person or body specified in subsection (3), means—

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- (a) a relevant housing function,
  - (b) a relevant education function, or
  - (c) a relevant healthcare function.
- (3) The specified persons and bodies are—
- (a) a local authority in England;
  - (b) the governing body of a maintained school in England;
  - (c) the proprietor of an Academy in England;
  - (d) a non-maintained special school;
  - (e) the governing body of an institution within the further education sector in England;
  - (f) a special post-16 institution;
  - (g) [<sup>F4</sup>NHS England];
  - [<sup>F5</sup>(h) an integrated care board;]
  - (i) a National Health Service trust in England;
  - (j) an NHS foundation trust.
- (4) In this section “relevant housing function” means a function under or by virtue of any of the following—
- (a) Part 6 of the Housing Act 1996 (allocation of housing accommodation);
  - (b) Part 7 of the Housing Act 1996 (homelessness: England);
  - (c) Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (grants, etc for renewal of private sector housing);
  - (d) section 1 of the Homelessness Act 2002 (duty of local housing authority in England to formulate a homelessness strategy);
  - (e) section 150 of the Localism Act 2011 (tenancy strategies);
  - (f) regulation 3 of the [Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#) (power of local housing authorities to provide assistance), so far as that regulation deals with the provision of financial assistance for a purpose corresponding to any purpose specified in section 23 of the Housing Grants, Construction and Regeneration Act 1996 (disabled facilities grants: purposes).
- (5) In this section “relevant education function” means a function under or by virtue of any of the following—
- (a) the Education Act 1996;
  - (b) Part 3 of the School Standards and Framework Act 1998 (school admissions);
  - (c) section 175 of the Education Act 2002 (duties of local authorities and governing bodies in relation to welfare of children);
  - (d) any provision of Part 3 of the Children and Families Act 2014, so far as it deals with special educational provision.
- (6) In this section “relevant healthcare function” means a function under or by virtue of—
- (a) the National Health Service Act 2006, or
  - (b) any provision of Part 3 of the Children and Families Act 2014 (children and young people in England with special educational needs or disabilities), so far as it deals with health care provision.

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- (7) In this section “health care provision” and “special educational provision” are to be interpreted as if this section were in Part 3 of the Children and Families Act 2014 (see section 21 of that Act).
- (8) In this section—
- “Academy” has the same meaning as in the Education Act 1996 (see section 579(1) of that Act);
- <sup>F6</sup> ...
- “governing body”, in relation to an institution within the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992;
- “institution within the further education sector” is to be interpreted in accordance with section 91(3) of the Further and Higher Education Act 1992;
- [<sup>F7</sup>“integrated care board” means a body established under section 14Z25 of the National Health Service Act 2006;]
- “local authority in England” means a county council in England, a district council, a London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly;
- “non-maintained special school” means a school which is approved under section 342 of the Education Act 1996;
- “maintained school” has the same meaning as in the School Standards and Framework Act 1998 (see section 20 of that Act);
- “proprietor”, in relation to an Academy, has the meaning given by section 579(1) of the Education Act 1996;
- “special post-16 institution” has the same meaning as in the Children and Families Act 2014 (see section 83 of that Act).]

#### Textual Amendments

- F3** Ss. 343AA-343AF inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by **Armed Forces Act 2021 (c. 35), ss. 8(3), 24(1)**; S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3
- F4** Words in s. 343AA substituted (1.7.2022) by **Health and Care Act 2022 (c. 31), s. 186(6), Sch. 1 para. 1(1)(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** S. 343AA(3)(h) substituted (1.7.2022) by **Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 83(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 343AA(8) omitted (1.7.2022) by virtue of **Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 83(3)(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Words in s. 343AA(8) inserted (1.7.2022) by **Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 83(3)(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

#### [<sup>F3</sup> **343AB** Due regard to principles: Wales

- (1) In exercising in relation to Wales a relevant function, a person or body specified in subsection (3) must have due regard to—
- (a) the unique obligations of, and sacrifices made by, the armed forces,
  - (b) the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces, and

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- (c) the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.
- (2) In this section “relevant function”, in relation to a person or body specified in subsection (3), means—
- (a) a relevant housing function,
  - (b) a relevant education function, or
  - (c) a relevant healthcare function.
- (3) The specified persons and bodies are—
- (a) a local authority in Wales;
  - (b) the governing body of a maintained school in Wales;
  - (c) a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;
  - (d) a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006, other than a cross-border Special Health Authority;
  - (e) a National Health Service trust in Wales.
- (4) In this section “relevant housing function” means a function under or by virtue of any of the following—
- (a) Part 6 of the Housing Act 1996 (allocation of housing accommodation);
  - (b) Part 1 of the Housing Grants, Construction and Regeneration Act 1996 (grants, etc for renewal of private sector housing);
  - (c) Part 2 of the [Housing \(Wales\) Act 2014 \(anaw 7\)](#);
  - (d) regulation 3 of the [Regulatory Reform \(Housing Assistance\) \(England and Wales\) Order 2002 \(S.I. 2002/1860\)](#) (power of local housing authorities to provide assistance), so far as that regulation deals with the provision of financial assistance for a purpose corresponding to any purpose specified in section 23 of the Housing Grants, Construction and Regeneration Act 1996 (disabled facilities grants: purposes).
- (5) In this section “relevant education function” means a function under or by virtue of any of the following—
- (a) the Education Act 1996;
  - (b) Part 3 of the School Standards and Framework Act 1998 (school admissions);
  - (c) section 175 of the Education Act 2002 (duties of local authorities and governing bodies in relation to welfare of children);
  - (d) sections 2 to 7 and 9 of the [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#);
  - (e) Chapters 2 (individual development plans) and 3 (supplementary functions) of Part 2 of the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#).
- (6) In this section “relevant healthcare function” means a function under or by virtue of the National Health Service (Wales) Act 2006.
- (7) In this section—
- “cross-border Special Health Authority” means a Special Health Authority which is established under the National Health Service Act 2006 and the National Health Service (Wales) Act 2006 by virtue of—

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- (a) paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act 2006, or
- (b) the power under section 28 of the National Health Service Act 2006 and the power under section 22 of the National Health Service (Wales) Act 2006 being exercised together;

“local authority in Wales” means the council of a county or county borough in Wales;

“maintained school” has the same meaning as in the School Standards and Framework Act 1998 (see section 20 of that Act).]

#### Textual Amendments

**F3** Ss. 343AA-343AF inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), [ss. 8\(3\), 24\(1\)](#); [S.I. 2022/471, reg. 3](#); [S.I. 2022/1161, reg. 3](#)

#### **Due regard to principles: Scotland**

**F3 343AC**

- (1) In exercising in relation to Scotland a relevant function, a person or body specified in subsection (3) must have due regard to—
  - (a) the unique obligations of, and sacrifices made by, the armed forces,
  - (b) the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces, and
  - (c) the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.
- (2) In this section “relevant function”, in relation to a person or body specified in subsection (3), means—
  - (a) a relevant housing function,
  - (b) a relevant education function, or
  - (c) a relevant healthcare function.
- (3) The specified persons and bodies are—
  - (a) a local authority in Scotland;
  - (b) a local authority landlord;
  - (c) an integration authority (within the meaning of section 59 of the [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#));
  - (d) a person or body in their capacity as an appropriate agency for the purposes of section 23 of the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#);
  - (e) a Health Board constituted under section 2 of the National Health Service (Scotland) Act 1978;
  - (f) a Special Health Board constituted under section 2 of that Act;
  - (g) the Common Services Agency for the Scottish Health Service.
- (4) In this section “relevant housing function” means a function under or by virtue of any of the following—
  - (a) sections 19 to 21 of the Housing (Scotland) Act 1987 (housing lists etc);
  - (b) Part 2 of that Act (homeless persons);

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- (c) sections 1 and 2 (homelessness: strategies and advice) of the [Housing \(Scotland\) Act 2001 \(asp 10\)](#);
  - (d) section 71(2)(e) of the [Housing \(Scotland\) Act 2006 \(asp 1\)](#) (adaptation of a house for a disabled person).
- (5) In this section “relevant education function” means a function under or by virtue of any of the following—
- (a) in Part 2 of the Education (Scotland) Act 1980 (rights and duties of parents and functions of education authorities in relation to individual pupils), sections 28A, 28B, 42 and 51;
  - (b) sections 1 and 2 of the [Standards in Scotland’s Schools etc. Act 2000 \(asp 6\)](#) (provision of school education: right of child and duty of education authority);
  - (c) the [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), except sections 15 to 21 of, and Schedule 1 to, that Act;
  - (d) Part 3 (children’s services planning) of the [Children and Young People \(Scotland\) Act 2014 \(asp 8\)](#).
- (6) In this section “relevant healthcare function” means a function under or by virtue of the National Health Service (Scotland) Act 1978.
- (7) In this section—
- “local authority in Scotland” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - “local authority landlord” has the same meaning as in the [Housing \(Scotland\) Act 2001 \(asp 10\)](#) (see section 11(3) of that Act).]

#### Textual Amendments

**F3** [Ss. 343AA-343AF](#) inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), [ss. 8\(3\), 24\(1\)](#); [S.I. 2022/471, reg. 3](#); [S.I. 2022/1161, reg. 3](#)

#### **Due regard to principles: Northern Ireland**

**F3** **343AD**

- (1) In exercising in relation to Northern Ireland a relevant function, a person or body specified in subsection (3) must have due regard to—
- (a) the unique obligations of, and sacrifices made by, the armed forces,
  - (b) the principle that it is desirable to remove disadvantages arising for service people from membership, or former membership, of the armed forces, and
  - (c) the principle that special provision for service people may be justified by the effects on such people of membership, or former membership, of the armed forces.
- (2) In this section “relevant function”, in relation to a person or body specified in subsection (3), means—
- (a) a relevant housing function,
  - (b) a relevant education function, or
  - (c) a relevant healthcare function.
- (3) The specified persons and bodies are—
- (a) the Northern Ireland Housing Executive;

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- (b) the Education Authority established under section 1(1) of the [Education Act \(Northern Ireland\) 2014 \(c. 12 \(N.I.\)\)](#);
  - (c) the Board of Governors of a grant-aided school in Northern Ireland;
  - (d) the Regional Health and Social Care Board established under section 7 of the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1 \(N.I.\)\)](#);
  - (e) a Local Commissioning Group appointed under section 9 of the Health and Social Care (Reform) Act (Northern Ireland) 2009);
  - (f) a Health and Social Care trust established by virtue of Article 10 of the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(S.I. 1991/194 \(N.I. 1\)\)](#), other than the Northern Ireland Ambulance Service Health and Social Care Trust.
- (4) In this section “relevant housing function” means a function under or by virtue of any of the following—
- (a) Articles 22 (house allocation scheme) and 22A (allocation only to eligible persons) of the [Housing \(Northern Ireland\) Order 1981 \(S.I. 1981/156 \(N.I. 3\)\)](#);
  - (b) Part 2 (housing the homeless) of the [Housing \(Northern Ireland\) Order 1988 \(S.I. 1988/1990 \(N.I. 23\)\)](#), except Article 15;
  - (c) Chapter 2 of Part 3 of the [Housing \(Northern Ireland\) Order 2003 \(S.I. 2003/412 \(N.I. 2\)\)](#), so far as that Chapter relates to disabled facilities grants.
- (5) In this section “relevant education function” means a function under or by virtue of any of the following—
- (a) Article 52 (school transport) of the [Education and Libraries \(Northern Ireland\) Order 1986 \(S.I. 1986/594 \(N.I. 3\)\)](#);
  - (b) in Part 2 (special educational needs) of the [Education \(Northern Ireland\) Order 1996 \(S.I. 1996/274 \(N.I. 1\)\)](#), Articles 6 to 16 and 19 to 20A;
  - (c) Article 16(4) and (5) (admission criteria) of the [Education \(Northern Ireland\) Order 1997 \(S.I. 1997/866 \(N.I. 5\)\)](#);
  - (d) Articles 17 (duty on boards of governors to safeguard and promote the welfare of pupils) and 22 (admission to special schools of children resident outside Northern Ireland) of the [Education and Libraries \(Northern Ireland\) Order 2003 \(S.I. 2003/424 \(N.I. 12\)\)](#).
- (6) In this section “relevant healthcare function” means a function under or by virtue of any of the following, so far as the function relates to health care—
- (a) the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(S.I. 1972/1265 \(N.I. 14\)\)](#);
  - (b) the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(S.I. 1991/194 \(N.I. 1\)\)](#);
  - (c) the [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1 \(N.I.\)\)](#).
- (7) In this section—
- “disabled facilities grant” has the meaning given by Article 35(4) of the [Housing \(Northern Ireland\) Order 2003](#);
  - “grant-aided school” means a grant-aided school within the meaning of the [Education and Libraries \(Northern Ireland\) Order 1986](#);
  - “health care” means all forms of health care provided for individuals, whether relating to physical or mental health.]



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### Sections 343AA to 343AD: guidance

**F3**  
**343AE**

- (1) The Secretary of State may issue guidance relating to the duties imposed by sections 343AA(1), 343AB(1), 343AC(1) and 343AD(1).
- (2) A person or body specified in subsection (3) of section 343AA, 343AB, 343AC or 343AD must have regard to any guidance for the time being in force under subsection (1) when exercising a relevant function.
- (3) The Secretary of State may from time to time revise any guidance issued under this section.
- (4) Guidance under this section—
  - (a) may not be issued unless a draft has been laid before Parliament, and
  - (b) comes into force on whatever day the Secretary of State may appoint by regulations.
- (5) Before laying draft guidance under this section before Parliament the Secretary of State must consult—
  - (a) the Welsh Ministers so far as the guidance relates to devolved Welsh functions,
  - (b) the Scottish Ministers so far as the guidance relates to devolved Scottish functions,
  - (c) the relevant Northern Ireland department so far as the guidance relates to devolved Northern Ireland functions, and
  - (d) any other persons the Secretary of State considers appropriate.
- (6) Subsection (4) has effect in relation to any revised guidance.
- (7) Subsection (5) has effect in relation to any revised guidance unless the Secretary of State considers that the proposed revisions to the guidance are insubstantial.
- (8) The Secretary of State must publish the version currently in force of any guidance issued under this section.
- (9) For the purposes of this section a function is a “devolved Welsh function” if—
  - (a) it deals with a matter in respect of which functions are exercisable by the Welsh Ministers or the First Minister for Wales, or
  - (b) a provision conferring the function would be within the legislative competence of Senedd Cymru if contained in an Act of Senedd Cymru (assuming that any consent by a Minister of the Crown were given).
- (10) For the purposes of this section a function is a “devolved Scottish function” if—
  - (a) it deals with a matter in respect of which functions are exercisable by the Scottish Ministers or the First Minister, or
  - (b) a provision conferring the function would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.

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- (11) For the purposes of this section a function is a “devolved Northern Ireland function” if—
- (a) it deals with a matter in respect of which functions are exercisable by a Northern Ireland department, or
  - (b) a provision conferring the function—
    - (i) would be within the legislative competence of the Northern Ireland Assembly, and would not require the consent of the Secretary of State, if contained in an Act of that Assembly, or
    - (ii) is contained in, or was made under, Northern Ireland legislation, and would be within the legislative competence of the Northern Ireland Assembly, and would require the consent of the Secretary of State, if contained in an Act of that Assembly.]

#### Textual Amendments

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### **Sections 343AA to 343AD: power to add bodies and functions**

**F3** 343AF

- (1) The Secretary of State may by regulations—
- (a) amend section 343AA by—
    - (i) specifying additional functions that are to be relevant functions in relation to persons and bodies specified in subsection (3) of that section, or
    - (ii) specifying additional persons or bodies in that subsection;
  - (b) amend section 343AB by—
    - (i) specifying additional functions that are to be relevant functions in relation to persons and bodies specified in subsection (3) of that section, or
    - (ii) specifying additional persons or bodies in that subsection;
  - (c) amend section 343AC by—
    - (i) specifying additional functions that are to be relevant functions in relation to persons and bodies specified in subsection (3) of that section, or
    - (ii) specifying additional persons or bodies in that subsection;
  - (d) amend section 343AD by—
    - (i) specifying additional functions that are to be relevant functions in relation to persons and bodies specified in subsection (3) of that section, or
    - (ii) specifying additional persons or bodies in that subsection.
- (2) In subsection (1) a reference to a provision of this Act includes a reference to that provision as amended by virtue of subsection (1).
- (3) A function specified by virtue of subsection (1)(a)(i), (b)(i), (c)(i) or (d)(i) must be a function under or by virtue of—
- (a) primary legislation, or
  - (b) [<sup>F8</sup>assimilated direct] EU legislation.

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- (4) A person or body specified by virtue of subsection (1)(a)(ii), (b)(ii), (c)(ii) or (d)(ii) must be a person or body by whom functions are exercisable under or by virtue of—
  - (a) primary legislation, or
  - (b) [<sup>F9</sup>assimilated direct] EU legislation.
- (5) Nothing in sections 343AA to 343AD limits the fields to which functions added by virtue of subsection (1) may relate.
- (6) The powers conferred by subsection (1) include power to make consequential amendments of any of sections 343AA to 343AE.
- (7) Before making regulations under subsection (1) the Secretary of State must consult—
  - (a) the Welsh Ministers so far as the regulations contain provision that is within Welsh devolved competence,
  - (b) the Scottish Ministers so far as the regulations contain provision that is within Scottish devolved competence,
  - (c) the relevant Northern Ireland department so far as the regulations contain provision that is within Northern Ireland devolved competence, and
  - (d) any other persons the Secretary of State considers appropriate.
- (8) For the purposes of this section a provision is within Welsh devolved competence if it—
  - (a) would be within the legislative competence of Senedd Cymru if contained in an Act of Senedd Cymru (assuming that any consent by a Minister of the Crown were given), or
  - (b) is provision which could be made in subordinate legislation by the Welsh Ministers acting alone.
- (9) For the purposes of this section a provision is within Scottish devolved competence if it—
  - (a) would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament, or
  - (b) is provision which could be made in subordinate legislation by the Scottish Ministers or the First Minister.
- (10) For the purposes of this section a provision is within Northern Ireland devolved competence if it—
  - (a) would be within the legislative competence of the Northern Ireland Assembly, and would not require the consent of the Secretary of State, if contained in an Act of that Assembly, or
  - (b) is provision which could be made in subordinate legislation by a Northern Ireland department.
- (11) In this section “primary legislation” means—
  - (a) an Act of Parliament;
  - (b) an Act of the Scottish Parliament;
  - (c) a Measure or Act of Senedd Cymru;
  - (d) Northern Ireland legislation.]

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*Changes to legislation: Armed Forces Act 2006, Part 16A is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### Textual Amendments

- F3** Ss. 343AA-343AF inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by [Armed Forces Act 2021 \(c. 35\)](#), [ss. 8\(3\)](#), [24\(1\)](#); [S.I. 2022/471](#), [reg. 3](#); [S.I. 2022/1161](#), [reg. 3](#)
- F8** Words in s. 343AF(3)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), [reg. 1\(2\)](#), [Sch. para. 63](#)
- F9** Words in s. 343AF(4)(b) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), [reg. 1\(2\)](#), [Sch. para. 63](#)

## 343B Interpretation of Part

- (1) In <sup>F10</sup>section 343A<sup>F10</sup>[<sup>F10</sup>this Part] “service people” means—
- (a) members of the regular forces and the reserve forces;
  - (b) members of British overseas territory forces who are subject to service law;
  - (c) former members of any of Her Majesty's forces who are ordinarily resident in the United Kingdom; and
  - (d) relevant family members.
- (2) In section 343A “relevant government department”, in relation to an effect to be covered by an armed forces covenant report, means a department of the Government of the United Kingdom (apart from the Ministry of Defence) which the Secretary of State considers has functions relevant to that effect.
- (3) In section 343A “relevant devolved administration”, in relation to an effect to be covered by an armed forces covenant report, means whichever of the following the Secretary of State considers to have functions relevant to that effect—
- (a) the Scottish Executive;
  - (b) the Northern Ireland departments;
  - (c) the Welsh Assembly Government.
- (4) In this Part—
- “British overseas territory force” means any of Her Majesty's forces that is raised under the law of a British overseas territory;
- “membership or former membership” of a force, in relation to a person, includes any service in that force that that person is undertaking, undertook or may be expected to be called on to undertake;
- “relevant family members” means <sup>F11</sup>[such persons as may be prescribed, and for the purposes of section 343A also includes] such descriptions of persons connected with service members, or with persons who were service members, as the Secretary of State considers should be covered by a report or part of a report;
- <sup>F12</sup>“relevant function”, in relation to a person or body specified in subsection (3) of [section 343AA](#), [343AB](#), [343AC](#) or [343AD](#), has the meaning given by subsection (2) of the same section;]
- <sup>F12</sup>“relevant Northern Ireland department” means any Northern Ireland department the Secretary of State thinks appropriate;]
- “service member” means a person who falls within any of paragraphs (a) to (c) of subsection (1).

<sup>F13</sup>[ In subsection (4) “prescribed” means prescribed by regulations made by the Secretary of State under this subsection.

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**Changes to legislation:** *Armed Forces Act 2006, Part 16A is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4B) Before making regulations under subsection (4A) the Secretary of State must consult—
- (a) the Welsh Ministers so far as the regulations contain provision that is within Welsh devolved competence,
  - (b) the Scottish Ministers so far as the regulations contain provision that is within Scottish devolved competence,
  - (c) the relevant Northern Ireland department so far as the regulations contain provision that is within Northern Ireland devolved competence, and
  - (d) any other persons the Secretary of State considers appropriate.
- (4C) Subsections (8) to (10) of section 343AF apply for the purposes of subsection (4B) as they apply for the purposes of that section.]
- (5) Any reference in this Part to membership or former membership of the armed forces is to be read, in relation to a person who is—
- (a) a service member, or
  - (b) a relevant family member by reason of connection with a person who is or was a service member,
- as a reference to the service member's membership or former membership of a force mentioned in subsection (1).]

#### Textual Amendments

- F10** Words in s. 343B(1) substituted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 8(4)(a), 24(1); S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3
- F11** Words in s. 343B(4) inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 8(4)(b)(i), 24(1); S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3
- F12** Words in s. 343B(4) inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 8(4)(b)(ii), 24(1); S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3
- F13** S. 343B(4A)-(4C) inserted (1.5.2022 for specified purposes, 22.11.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), ss. 8(4)(c), 24(1); S.I. 2022/471, reg. 3; S.I. 2022/1161, reg. 3

**Changes to legislation:**

Armed Forces Act 2006, Part 16A is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) transitional provisions for effects of commencing SI 2009/812 by [S.I. 2009/1059 Order](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 12A inserted by [2016 c. 21 s. 7](#)
- Pt. 16B inserted by [2023 c. 48 s. 1](#)
- s. 50(2)(ca) inserted by [2011 c. 18 Sch. 4 para. 3\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 para. 3(3) repealed (8.3.2015) without ever being in force by [2014 c. 12, Sch. 11 para. 82\(2\)](#); [S.I. 2015/373, art. 2\(g\)\(ii\)](#))
- s. 209(8) inserted by [2021 c. 11 Sch. 13 para. 41\(3\)](#)
- s. 213(3A) words inserted by [2021 c. 11 Sch. 13 para. 41\(6\)](#)
- s. 218A(6A) inserted by Sch. 26 para. 12(1)(db) (as inserted) by [S.I. 2020/1520 reg. 6\(2\)\(b\)](#)
- s. 218A(6A) words omitted by virtue of [2020 c. 17, Sch. 26 para. 12\(1\)\(dc\)](#) (as inserted) by [S.I. 2020/1520 reg. 6\(2\)\(b\)](#)
- s. 219A(1)(d)(i) omitted by virtue of [2020 c. 17, Sch. 26 para. 14\(a\)\(i\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(1)(d)(iii) omitted by virtue of [2020 c. 17, Sch. 26 para. 14\(a\)\(i\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(1)(da) inserted by [2021 c. 11 Sch. 13 para. 41\(7\)](#)
- s. 219A(1)(da)(i) omitted by virtue of [2020 c. 17, Sch. 26 para. 14\(a\)\(ii\)](#) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(b\)](#)
- s. 219A(2A) inserted by [2020 c. 17, Sch. 26 para. 14\(bb\)](#) (as inserted) by [S.I. 2020/1520 reg. 6\(3\)](#)
- s. 219ZA inserted by [2021 c. 11 Sch. 8 para. 2](#)
- s. 219ZA(1)(e) words omitted by virtue of [2020 c. 17, Sch. 26 para. 13A\(a\)](#) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 219ZA(4)-(6) omitted by virtue of [2020 c. 17, Sch. 26 para. 13A\(b\)](#) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 219ZA(7) words omitted by virtue of [2020 c. 17, Sch. 26 para. 13A\(c\)](#) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(a\)](#)
- s. 223(1A) inserted by [2021 c. 11 Sch. 13 para. 41\(8\)\(a\)](#)
- s. 224A(1)(d)(iii) and word inserted by [2021 c. 11 Sch. 13 para. 41\(9\)\(a\)\(ii\)](#)
- s. 224A(1)(d)(iii) words substituted by [2020 c. 17, Sch. 26 para. 15\(a\)\(iii\)](#) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(c\)](#)
- s. 224A(1A) inserted by [2021 c. 11 Sch. 8 para. 8\(4\)](#)
- s. 224A(3A) inserted by [2021 c. 11 Sch. 13 para. 41\(9\)\(b\)](#)
- s. 224B inserted by [2021 c. 11 Sch. 8 para. 9](#)
- s. 225(1A) inserted by [2020 c. 17, Sch. 26 para. 15A](#) (as inserted) by [S.I. 2020/1520 reg. 6\(4\)](#)
- s. 226(1A) inserted by [2020 c. 17, Sch. 26 para. 15B](#) (as inserted) by [S.I. 2020/1520 reg. 6\(4\)](#)
- s. 227(3)(a)(b) substituted for words by [2021 c. 11 Sch. 13 para. 41\(10\)](#)
- s. 238(6)(a) word omitted by [2021 c. 11 Sch. 13 para. 41\(11\)\(a\)](#)
- s. 238(6)(b) word substituted by [2021 c. 11 Sch. 13 para. 41\(11\)\(c\)](#)
- s. 238(6)(aa) inserted by [2021 c. 11 Sch. 13 para. 41\(11\)\(b\)](#)

- s. 239(3A)(3B) inserted by [2021 c. 11 Sch. 8 para. 3](#)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(i) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 239(3A) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(a)(ii) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 239(3B) words omitted by virtue of 2020 c. 17, Sch 26 para. 18(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(d\)](#)
- s. 260(1)(ca) inserted by [2021 c. 11 Sch. 13 para. 41\(14\)\(a\)\(ii\)](#)
- s. 260(1)(ca) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(a)(iia) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(i\)](#)
- s. 260(4B)(a) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(ii) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(ii\)](#)
- s. 260(4B)(za) inserted by [2021 c. 11 Sch. 13 para. 41\(14\)\(b\)](#)
- s. 260(4B)(za) words omitted by virtue of 2020 c. 17, Sch. 26 para. 19(b)(i) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(e\)\(ii\)](#)
- s. 261(1)(ba) inserted by [2021 c. 11 Sch. 13 para. 41\(15\)](#)
- s. 261(1)(ba) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20(c) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(f\)](#)
- s. 261A(3)(a) words in s. 261A(3) renumbered as s. 261A(3)(a) by [2021 c. 11 Sch. 8 para. 4\(a\)](#)
- s. 261A(3)(b)(c) inserted by [2021 c. 11 Sch. 8 para. 4\(b\)](#)
- s. 261A(3)(b) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- s. 261A(3)(c)(i) words omitted by virtue of 2020 c. 17, Sch. 26 para. 20A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(g\)](#)
- s. 262A(2A) inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(a\)](#)
- s. 262A(2A)(b) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(a) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 262A(3A) inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(b\)](#)
- s. 262A(3A) omitted by virtue of 2020 c. 17, Sch. 26 para. 21(b) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 262A(4) words inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(c\)\(i\)](#)
- s. 262A(4) words inserted by [2021 c. 11 Sch. 13 para. 41\(16\)\(c\)\(ii\)](#)
- s. 262A(4) words omitted by virtue of 2020 c. 17, Sch. 26 para. 21(c) (as substituted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(h\)](#)
- s. 270A270B inserted by [2008 c. 4 Sch. 25 para. 27](#) (This amendment not applied to legislation.gov.uk. Sch. 25 para. 26(3)(4) repealed (2.4.2012) by 2011 c. 18, Sch. 3 para. 20(3), Sch. 5; S.I. 2012/669, art. 4(d)(f) (with art. 13))
- s. 270B(6)(aa) inserted by [2009 c. 25 Sch. 17 para. 9\(2\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10) word repealed by [2009 c. 25 Sch. 23 Pt. 5](#)
- s. 270B(10)(a) words inserted by [2009 c. 25 Sch. 17 para. 9\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(b) words substituted by [2009 c. 25 Sch. 17 para. 9\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 270B(10)(c)-(e) inserted by [2009 c. 25 Sch. 17 para. 9\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 17 para. 9 repealed (2.4.2012) without ever being in force by 2011 c. 18, Sch. 5; S.I. 2012/669, art. 4(f))
- s. 304B inserted by [2016 c. 21 s. 8](#)
- s. 304C inserted by [2016 c. 21 s. 9](#)
- s. 304C(5A) inserted by [2021 c. 11 Sch. 8 para. 5](#)
- s. 304C(5A) words omitted by virtue of 2020 c. 17, Sch. 26 para. 24A(a) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)
- s. 304C(5A) words substituted by 2020 c. 17, Sch. 26 para. 24A(b) (as inserted) by [2021 c. 11 Sch. 13 para. 43\(7\)\(i\)](#)

- s. 304D inserted by [2016 c. 21 s. 10](#)
- s. 304E inserted by [2016 c. 21 s. 11](#)
- s. 304F-304H inserted by [2016 c. 21 s. 12](#)
- s. 377(8) inserted by 2020 c. 17, Sch. 26 para. 26 (as inserted) by [S.I. 2020/1520 reg. 6\(5\)](#)
- Sch. 7 para. 9(A1) inserted by [2020 c. 9 Sch. 2 para. 123\(8\)\(a\)](#) (This pre-consolidation amendment comes into force immediately before the consolidation date on 1.12.2020 (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416) to facilitate the sentencing consolidation and then is repealed immediately afterwards on 1.12.2020 by the Sentencing Act 2020 (c. 17), Sch. 28; S.I. 2020/1236, reg. 2)