
Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2021, Paragraph 1. (See end of Document for details)

SCHEDULES

SCHEDULE 4

SERVICE POLICE: COMPLAINTS, MISCONDUCT ETC

Service Police Complaints Commissioner

1 After Schedule 14 to AFA 2006 insert—

“SCHEDULE 14A

Section 365BA

THE SERVICE POLICE COMPLAINTS COMMISSIONER

Status

- 1 The Service Police Complaints Commissioner is a corporation sole.
- 2 The Commissioner is not to be regarded—
 - (a) as the servant or agent of the Crown, or
 - (b) as enjoying any status, immunity or privilege of the Crown.

Appointment

- 3 The Commissioner is to be appointed by Her Majesty on the recommendation of the Secretary of State.

Disqualification

- 4 A person is disqualified from being the Commissioner if any of the following applies—
 - (a) the person is a member of the regular or reserve forces (whether or not as a member of a service police force);
 - (b) the person has been a member of a service police force;
 - (c) the person is employed in the civil service of the State.

Vacancy or incapacity

- 5 (1) Sub-paragraph (2) applies if—
 - (a) the office of the Commissioner becomes vacant, or
 - (b) it appears to the Secretary of State that the ability of the Commissioner to carry out the Commissioner’s functions is seriously impaired because of ill health (whether mental or physical).
- (2) The Secretary of State may appoint a person to act as the Commissioner during the vacancy or period of ill health.

Changes to legislation: There are currently no known outstanding effects for the Armed Forces Act 2021, Paragraph 1. (See end of Document for details)

- (3) An acting Commissioner holds and vacates office in accordance with the terms of the acting Commissioner’s appointment.
- (4) While an acting Commissioner holds office, the acting Commissioner is to be regarded (except for the purposes of paragraphs 3, 4 and 6 and this paragraph) as the Commissioner.

Term of office

- 6 The Commissioner holds and vacates office in accordance with the terms of the Commissioner’s appointment.

Delegation of functions

- 7 The Commissioner may authorise a member of staff working for the Commissioner to exercise any power or duty of the Commissioner on the Commissioner’s behalf.

Liability

- 8 (1) This paragraph applies where a person has been seconded to serve as a member of the Commissioner’s staff.
- (2) The Commissioner is liable in respect of unlawful conduct of the person in the carrying out, or purported carrying out, of their functions as a member of the Commissioner’s staff, in the same manner as an employer is liable in respect of unlawful conduct of an employee in the course of their employment.
- (3) In sub-paragraph (1) the reference to secondment to serve as a member of the Commissioner’s staff is to serving as a member of the Commissioner’s staff without being employed by the Commissioner.”

Commencement Information

- I1** Sch. 4 para. 1 not in force at Royal Assent, see [s. 24\(1\)](#)
- I2** [Sch. 4 para. 1](#) in force at 1.11.2022 for specified purposes by [S.I. 2022/1095](#), [reg. 3](#)
- I3** [Sch. 4 para. 1](#) in force at 19.6.2023 in so far as not already in force by [S.I. 2023/621](#), [reg. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the Armed Forces Act 2021, Paragraph 1.