

# Armed Forces (Prevention of Discrimination) (No. 2)

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Make provision in relation to the reserve forces of the Crown; to provide that certain offences committed towards members of the armed forces and their families shall be treated as aggravated; to prohibit discrimination against members of the armed forces and their families in terms of provision of goods, services and employment; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendment of Criminal Justice Act 2003**

In section 146 of the Criminal Justice Act 2003 (increase in sentences for aggravation related to disability, sexual orientation or transgender identity) —

(a) in the title of the section, add at the end “or status as a service person”;

(b) after subsection (2)(a)(iii) insert —

“(iv) the victim being (or being presumed to be) a service person, or”;

(c) after subsection (2)(b)(iii) insert “, or

(iv) by hostility towards service people.”; and

(d) after subsection (6) insert —

“(7) In this section “service people” has the meaning given in section 343B of the Armed Forces Act 2006, except that “relevant family members” shall mean any relative.”.

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**2 Prohibition of discrimination against service people**

(1) The Equality Act 2010 is amended as follows.

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(2) At the end of section 4 are added the words “status as a service person within the meaning set out in section 343B of the Armed Forces Act 2006, except that “relevant family members” shall mean any relative.”.

### 3 Leave entitlement for reserve forces

(1) The Employment Rights Act 1996 is amended as follows.

(2) After section 63C insert –

#### “63CA Right to time off for reserve forces

(1) An employee who is a member of a reserve force (as defined in section 374 of the Armed Forces Act 2006) is entitled to be permitted by his employer to take time off during the employee’s working hours in order to undertake training activities connected to the reserve force. 5

(2) An employee’s entitlement to time off under subsection (1) is limited to a maximum of 14 days. 10

(3) An employee is not entitled to be paid remuneration by his employer for time off under subsection (1).

(4) This section does not apply to employees of companies with fewer than 50 employees.

#### 63CB Complaints to employment tribunals relating to time off for reserve forces 15

(1) An employee may present a complaint to an employment tribunal that his employer has unreasonably refused to permit him to take time off as required by section 63CA.

(2) An employment tribunal shall not consider a complaint under this section unless it is presented – 20

(a) before the end of the period of three months beginning with the day on which the time off was taken or on which it is alleged the time off should have been permitted, or

(b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months. 25

(3) Where an employment tribunal finds a complaint under this section well founded, the tribunal shall make a declaration to that effect.” 30

### 4 Technical provisions

(1) This Act may be cited as the Armed Forces (Prevention of Discrimination) Act 2014.

(2) This Act comes into force at the expiration of two months beginning with the date of Royal Assent. 35

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To make provision in relation to the reserve forces of the Crown; to provide that certain offences committed towards members of the armed forces and their families shall be treated as aggravated; to prohibit discrimination against members of the armed forces and their families in terms of provision of goods, services and employment; and for connected purposes.

*Ordered to be brought in by Thomas Docherty, Ms  
Gisela Stuart, Ian Murray, John Woodcock, Andy  
Sawford, Bob Stewart, Conor Burns, Mr Russell  
Brown, Graham Jones, Gavin Shuker and Jim  
Shannon.*

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*Ordered, by The House of Commons,  
to be Printed, 5 November 2014.*

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