

AWARDS FOR VALOUR (PROTECTION) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Awards for Valour (Protection) Bill as introduced in the House of Commons on Wednesday 29 June 2016 (Bill 10).

- These Explanatory Notes have been produced by the Public Bill Office on behalf of Gareth Johnson MP in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament as a whole.
- These Explanatory Notes explain what each part of the Bill will mean in practice and provide background information on the development of policy.
- These Explanatory Notes are best read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 This Bill makes it a criminal offence to wear or display in public medals or insignia awarded for valour by a person not entitled to do so and with the intent to deceive.

Policy background

- 2 Since 2009 it has not been an offence for an individual to wear medals or decorations that they were never awarded. This change in the law was a result of the enactment of the Armed Forces Act 2006, which repealed section 197 of the Army Act 1955 and section 197 of the Air Force Act 1955 in which the offence was specified.¹
- 3 Under the Fraud Act 2006 it is still an offence to make, or attempt to make a financial gain by fraudulently wearing uniforms or medals, or by pretending to be or have been in the Armed Forces. The offence carries a maximum penalty of 10 years' imprisonment.

Territorial extent and application

- 4 Clause 3 states that the Bill would extend to England and Wales, Scotland and Northern Ireland.

¹ See ['Stolen Valour': An international comparison](#), House of Commons Library Briefing Paper no. 7750, 31 October 2016

Commentary on provisions of Bill

Clause 1

- 5 Clause 1 makes it an offence for a person to wear certain medals or insignia with the intention to deceive that he or she has been awarded them and is entitled to wear them.
- 6 Subsection (6) provides that a person on conviction of the offence would be liable to a period of imprisonment not exceeding 3 months or a fine.
- 7 Subsection (5) provides an exemption for a person wearing a medal or insignia as part of a reconstruction or representation of historical events, as part of a filmed or theatrical or other live entertainment or production or in honour of a family member who was personally entitled to the medal or insignia.
- 8 Subsections (2) and (4) define the medals or insignia. First, are medals, insignia, clasps, ribbons or bars or equivalent authorised by the Monarch or Defence Council awarded to a member of the United Kingdom's armed forces in connection with an act or acts of valour. Second, are the George Cross, George Medal or Queen's Gallantry Medal. Third, are other medals or insignia awarded for valour and set out by the Secretary of State in regulations. Subsection (7) defines an act of valour as an act involving significant risk and danger to life, qualifying for a campaign service medal, or otherwise involving sustained and intense combat. In addition to authentic medals and insignia, subsection (2) extends the definition to include articles or emblems resembling an item in the three categories.
- 9 Subsection (3) defines personal entitlement to a medal or insignia as the person to whom the award in question was made.

Clause 2

- 10 Clause 2 requires the regulations made by the Secretary of State under clause 1 to be approved by both Houses.

Clause 3

- 11 Clause 3 provides for the legislation to come into operation on the day that it receives Royal Assent.

Financial implications of the Bill

- 12 The Bill contains no provisions with a direct impact on either public expenditure or taxation.

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