

Armed Forces (Flexible Working) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Ministry of Defence, are published separately as Bill 118 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Sir Michael Fallon has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Armed Forces (Flexible Working) Bill [HL] are compatible with the Convention rights.

Armed Forces (Flexible Working) Bill [HL]

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B I L L

TO

Make provision for members of the regular forces to serve part-time or subject to geographic restrictions.

BE 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 Regular forces: part-time service and geographic restrictions

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) Section 329 (terms and conditions of enlistment and service) is amended in accordance with subsections (3) and (4).
- (3) In subsection (2)— 5
- (a) after paragraph (h) insert—
- “(ha) enabling a person to serve with a regular force on a part-time basis;”, and
- (b) for paragraphs (i) and (j) substitute— 10
- “(i) enabling a person’s service with a regular force to be restricted to service in a particular area or to be subject to other geographic restrictions;
- (j) requiring a person serving subject to a geographic restriction to serve without that restriction on a number of occasions not exceeding a prescribed maximum.” 15
- (4) After subsection (3) insert—
- “(3A) A right conferred on a person by virtue of subsection (2)(ha) to (j) may be varied, suspended or terminated in prescribed circumstances.”
- (5) In section 373 (orders, regulations and rules), in subsection (3), after paragraph (e) insert— 20
- “(ea) regulations under section 329(1) which make provision of a kind mentioned in section 329(2)(ha), (i), or (j),
- (eb) regulations under section 329(3A),”.

2 Consequential amendments

- (1) The Juries Act 1974 is amended in accordance with subsections (2) to (4).
- (2) In section 9(2A) and (2B) (excusal for members of armed forces), for “full-time serving member of Her Majesty’s naval, military or air forces” substitute “member of the regular forces”. 5
- (3) In section 9A(1A), (1C) and (2B)(a) (discretionary deferral for members of armed forces), for “full-time serving member of Her Majesty’s naval, military or air forces” substitute “member of the regular forces”.
- (4) In section 23(2) (interpretation), at the end insert – 10
““regular forces” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).”
- (5) In Part 3 of Schedule 1 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (persons excusable as of right from jury service), in Group C, for the words from “Full-time” to the end substitute “Members of the regular forces within the meaning of the Armed Forces Act 2006 (see section 374 of that Act).” 15

3 Short title, commencement and extent

- (1) This Act may be cited as the Armed Forces (Flexible Working) Act 2017.
- (2) This section comes into force on the day on which this Act is passed.
- (3) Sections 1 and 2 come into force on such day as the Secretary of State may appoint by regulations. 20
- (4) Regulations under this section –
 - (a) are to be made by statutory instrument, and
 - (b) may make different provision for different purposes.
- (5) Section 1 and this section extend to – 25
 - (a) England and Wales, Scotland and Northern Ireland,
 - (b) the Isle of Man, and
 - (c) the British overseas territories, except Gibraltar.
- (6) The power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify sections 329 and 373 of that Act, as amended by section 1 of this Act, as it extends to the Isle of Man or a British overseas territory other than Gibraltar. 30
- (7) The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend the amendments made by section 1 of this Act to any of the Channel Islands (with or without modifications). 35
- (8) In section 2 –
 - (a) subsections (1) to (4) extend to England and Wales only, and
 - (b) subsection (5) extends to Scotland only.

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Brought from the Lords, 25 October 2017.

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