



House of Commons
 Wednesday 31 March 2021
SELECT COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

ARMED FORCES BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Carol Monaghan
 Martin Docherty-Hughes

NC4

To move the following Clause—

“Armed Forces Representative Body

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 333 insert the following new clause—

“333A Armed Forces Representative Body

In accordance with HM Government’s obligations under Article 11 of the European Convention on Human Rights, there is to be an Armed Forces Representative Body, existing outside the rank structure, but accountable to members and to Parliament in order to:

- (a) represent personnel in matters of discipline: summary hearings, courts martial and other disciplinary hearings;
- (b) aid personnel in the redress of individual grievances, and through the service complaints process;
- (c) negotiate on behalf of personnel on matters relating to, but not limited to pay, terms and conditions and terms of enlistment;

Armed Forces Bill, *continued*

- (d) act as an advocate for general welfare of personnel during and immediately after their enlistment.

This Representative Body shall not have the ability to strike.””

Member’s explanatory statement

This new clause would oblige the UK Government to legislate for the creation of an Armed Forces Representative Body similar to the Police Federation.

Carol Monaghan
Martin Docherty-Hughes

NC5

To move the following Clause—

“Updating gender neutral drafting

- (1) Section 1 of the Armed Forces Act 2006 is amended as follows—
- (2) In subsection (1) for “he” substitute “they”.
- (3) In subsection (1)(c) for “him” substitute “them”.
- (4) In subsection (2) for “he” substitute “they”.

Member’s explanatory statement

This new clause would allow for gender neutral language to be used in legislation pertaining to service personnel.

Dan Carden

NC6

To move the following Clause—

“Duty of care for alcohol, drugs and gambling disorders

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 20(2)(d) insert—
 - “(e) the person is dependent on, or has a propensity to misuse, alcohol or drugs.”
- (3) After section 20(3) insert—
 - “(3A) The Secretary of State has a duty of care to offer a specific pathway for support and treatment for current and previously serving service personnel who experience—
 - (a) a propensity to misuse, alcohol and drugs,
 - (b) alcohol or drug dependency, and
 - (c) gambling disorder.
 - (3B) The Secretary of State must include in the annual Armed Forces Covenant report—
 - (a) the number of people accessing treatment and support as set out in section (1), and

Armed Forces Bill, continued

- (b) the current provisions for rehabilitation facilities for Armed Forces personnel who are experiencing a propensity to misuse or have a dependency on alcohol, drugs and gambling.””

Member’s explanatory statement

This new clause places a duty of care onto the Ministry of Defence to provide treatment pathways to serving personnel and veterans who experience alcohol, drug and gambling disorders and will include the number of people accessing treatment and current rehabilitation provisions in the annual Armed Forces Covenant report.

Mr Kevan Jones

NC7

To move the following Clause—

“Welfare of Operation Banner veterans

No later than 12 months following the day on which this Act is passed, and every 12 months thereafter, the Secretary of State must publish a report which must include the number of Operation Banner veterans who—

- (a) have contacted the Office of Veteran Affairs,
- (b) are accessing mental health treatment,
- (c) are in the street homeless population, and
- (d) are within the prison population.”

Member’s explanatory statement

This new clause will ensure that the Government offers consideration to the overall welfare of those service personnel that served in Operation Banner.

Mr Kevan Jones

NC8

To move the following Clause—

“Terms and Conditions of Service

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) Section 343A, after subsection (5) insert—

“(5A) An armed forces covenant report must include—

- (a) a comparison of the terms and conditions of service for service people with other public sector employees, and
- (b) an assessment as to whether service personnel face no financial disadvantage through their employment.””

Member’s explanatory statement

This new clause will ensure that the principles of the Armed Forces Covenant extend to matters relating to the financial disadvantages subjected to UK serving personnel and veterans, as a result of their time in the Armed Forces.

Armed Forces Bill, *continued*

Stephen Morgan
 Mrs Sharon Hodgson
 Mr Kevan Jones
 Tonia Antoniazzi
 Dan Carden

NC9

To move the following Clause—

“Service complaints

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) In section 340A (who can make a service complaint?) after subsection (1) insert—
 - “(1A) If a person to whom the Armed Forces Covenant applied find themselves wronged in any matter relating to the Armed Forces Covenant, the person may make a complaint.”
- (3) In section 340A (who can make a service complaint?) at end insert—
 - “(4A) Notwithstanding any regulation made under subsection (4), a person may make a complaint about the delivery of the Armed Forces Covenant.””

Member’s explanatory statement

This new clause would expand the powers of the Service Complaints Ombudsman to include matters relating to the Armed Forces Covenant. This would provide service personnel and veterans with an avenue through which they can report and arbitrate disputes regarding its delivery.

Stephen Morgan
 Mrs Sharon Hodgson
 Mr Kevan Jones
 Tonia Antoniazzi
 Dan Carden

NC10

To move the following Clause—

“Due regard given to service personnel

- (1) When preparing policy, public bodies must have regard to those matters to which the Secretary of State is to have regard in preparing an Armed Force covenant report, under section 359A (2A) of the Armed Forces Act 2006.
- (2) In preparing policy, public bodies must consider whether the making of special provision for service people or descriptions of service people would be justified.

Armed Forces Bill, *continued*

- (3) The Secretary of State must lay 12 months following the day on which this Act is passed, and every 12 months thereafter, a report which sets out how decisions made by the relevant Departments have taken due regard to the Armed Forces Covenant into account.”

Member’s explanatory statement

This new clause will ensure the Government fully enshrines the Armed Forces Covenant into law. It clarifies the duty to have ‘due regard’, meaning public bodies and ministers must consider the same issues that the Secretary of State does in preparing the Armed Forces Covenant Annual Report.

Stephen Morgan
Mrs Sharon Hodgson
Mr Kevan Jones
Tonia Antoniazzi
Dan Carden

NC11

To move the following Clause—

“Housing report

- (1) No later than 12 months following the day on which this Act is passed, and every 12 months thereafter, the Secretary of State must publish a report on what constitutes minimum standards for Armed Forces accommodation.
- (2) The report should also include—
- (a) number of service personnel currently living in accommodation considered to be below minimum standard, and
 - (b) the geographical spread of the accommodation deemed to be below minimum standard for Armed Forces accommodation.
- (3) The first report published must include an analysis of establishing a housing charter, which would place a duty on the Ministry of Defence to produce a housing charter guaranteeing a common, minimum standard across all service accommodation.”

Member’s explanatory statement

This new clause will require the Government to report annually on the standard of service accommodation, including the number living in accommodation below minimum standard and its geographical spread, and produce a Service Housing Charter to set and enforce a common, minimum standard across all service accommodation.

Armed Forces Bill, continued

Stephen Morgan
 Mrs Sharon Hodgson
 Mr Kevan Jones
 Tonia Antoniazzi
 Dan Carden

NC12

To move the following Clause—

“Mental health report

- (1) No later than 12 months following the day on which this Act is passed, and every 12 months thereafter, the Secretary of State must publish a report which must include—
 - (a) a definition of what constitutes “priority care” as set out in Armed Forces Covenant and how the Secretary of State is working to ensure that it is being provided, and
 - (b) a review of waiting time targets for service personnel and veterans accessing mental health support.
- (2) The first report published under this section must also include a resource plan to meet current Transition, Intervention and Liaison Service waiting time targets for the offer of an appointment in England and set new targets for mental health recovery through the veterans mental health pathway.”

Member’s explanatory statement

This new clause would require the Government to produce a definition of ‘priority care’ to help primary care clinicians deliver the commitments in the Armed Forces Covenant, conduct a review of mental health waiting time targets for service personnel and veterans, and produce a resource plan to meet current waiting time targets.

Stephen Morgan
 Mrs Sharon Hodgson
 Mr Kevan Jones
 Tonia Antoniazzi
 Dan Carden

NC13

To move the following Clause—

“Indefinite leave to remain payments by Commonwealth members of armed forces

- (1) The Immigration Act 2014 is amended as follows.
- (2) In section 68 (10), after “regulations” insert “must make exceptions in respect of any person with citizenship of a Commonwealth country (other than the United Kingdom) who is serving, or has recently served, in the UK armed forces, such exceptions to include capping the fee for any such person applying for indefinite leave to remain at no more than the actual administrative cost of processing that application, and”

Member’s explanatory statement

This new clause will ensure that Commonwealth veterans applying for UK citizenship following their service will only pay the unit cost of an application for Indefinite Leave to Remain.

Armed Forces Bill, continued

Stephen Morgan
Mrs Sharon Hodgson
Mr Kevan Jones
Tonia Antoniazzi
Dan Carden

NC14

To move the following Clause—

“Statistics to be reported as part of the Armed Forces Covenant Report

- (1) The Armed Forces 2006 is amended as follows.
- (2) Section 343A, after subsection (5) insert—
 - “(5A) An armed forces covenant report must include the number of—
 - (a) veterans (or families of veterans) who have contacted the Office of Veteran Affairs or Veterans UK each year and an overview of the most commonly mentioned reasons for contact;
 - (b) veterans who have applied for a Veterans Railcard;
 - (c) veterans who have applied to the Civil Service Interviews Scheme, and the proportion of these who have been successful in a job offer;
 - (d) veterans in the street homeless population; and
 - (e) veterans who have died by suicide.””

Member’s explanatory statement

This new clause, with NC15, will improve the Government’s collection and reporting of data on veterans in the Armed Forces Covenant Annual Report. It also places a duty on all public services to establish whether all new users are a veteran.

Stephen Morgan
Mrs Sharon Hodgson
Mr Kevan Jones
Tonia Antoniazzi
Dan Carden

NC15

To move the following Clause—

“Duty to report

The Secretary of State to place a duty on all public services to include a question on whether the respondent is a veteran, has previously served in the Armed Forces or is a reservist to all new service users.”

Member’s explanatory statement

See explanatory statement for NC14.

Armed Forces Bill, *continued*

Stephen Morgan
 Mrs Sharon Hodgson
 Mr Kevan Jones
 Tonia Antoniazzi
 Dan Carden

NC16

To move the following Clause—

“Quarterly reports on forces strength

- (1) The Secretary of State must lay before Parliament reports on infantry battalion soldier strength, including the percentage of combat-ready soldiers per infantry battalion.
- (2) The first report must be laid no later than 3 months after the day on which this Act is passed.
- (3) A further report under this section must be laid no later than three months after the previous such report.”

Member’s explanatory statement

This new clause will place a duty on the Secretary of State to report to Parliament quarterly on infantry battalion soldier strength, including the percentage of battle-ready soldiers per infantry battalion.

Dan Carden
 Stephen Morgan
 Mrs Sharon Hodgson
 Mr Kevan Jones
 Tonia Antoniazzi

NC17

To move the following Clause—

“Report on dismissals and forced resignations for reasons of sexual orientation or gender identity

- (1) The Secretary of State must lay before Parliament reports on the number of people who have been dismissed or forced to resign from the Armed Forces due to their sexual orientation or gender identity, this includes—
 - (a) formal documentation citing sexuality as the reason for their dismissal; or
 - (b) there is evidence of sexuality or gender identity being a reason for their dismissal, though another reason is cited in formal documentation.
 - (c) in this section, “sexuality or gender identity” includes perceived or self-identified sexuality or gender identity.
- (2) The report shall include recommendation of the sort of compensation which may be appropriate, including but not limited to—
 - (a) the restoration of ranks,
 - (b) pensions, and
 - (c) other forms of financial compensation.
- (3) The report shall include a review of those service personnel who as a result of their sexuality have criminal convictions for sex offences and/or who are on the Sex Offenders register.
- (4) The report shall include discharges and forced resignations at least back to 1955.

Armed Forces Bill, *continued*

- (5) The first report must be laid no later than six months after the day on which this Act is passed.”

Member’s explanatory statement

This new clause requires the Government to conduct a comprehensive review of the number of people who were dismissed or forced to resign from the Armed Forces due to their sexuality and to make recommendations on appropriate forms of compensation.

Stephen Morgan
Mrs Sharon Hodgson
Mr Kevan Jones
Tonia Antoniazzi
Dan Carden

NC18

To move the following Clause—

“Pension payment to war widows and widowers

For section 168 of the Pensions Act 1995 substitute—

“168 War pensions for widows: no effect from remarriage or co-habitation

- (1) In determining whether a pension is payable to a person as a widow, widower or surviving civil partner under any of the enactments mentioned in subsection (2), no account may be taken of the fact that the person has married or formed a civil partnership with another person, or has co-habited with another person.
- (2) The enactments referred to in subsection (1) are—
 - (a) the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006, and any order re-enacting the provisions of that order,
 - (b) the Personal Injuries (Civilians) Scheme 1983, and any subsequent scheme made under the Personal Injuries (Emergency Provisions) Act 1939,
 - (c) any scheme made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 or the Polish Resettlement Act 1947 applying the provisions of any such order as is referred to in paragraph (a),
 - (d) the order made under section 1(5) of the Ulster Defence Regiment Act 1969 concerning pensions and other grants in respect of disablement or death due to service in the Ulster Defence Regiment.
- (3) A widow or widower in subsection (1) includes a person who was bereaved before 6 April 2005 who remarried between 31 March 1973 and 6 April 2005 and lost their war widows pension upon remarriage.”

Member’s explanatory statement

This new clause restores the War Widows Pension to those who remarried or cohabited between 1973-2005.

Armed Forces Bill, *continued*

Stephen Morgan
Mrs Sharon Hodgson
Mr Kevan Jones
Tonia Antoniazzi
Dan Carden

NC19

To move the following Clause—

“Armed Forces Federation

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 333, insert the following new clauses—

“333A Armed Forces Federation

- (1) There shall be an Armed Forces Federation for the United Kingdom for the purpose of representing members of the Armed Forces in the United Kingdom in all matters affecting their welfare and efficiency, except for—
 - (a) questions of promotion affecting individuals, and
 - (b) (subject to subsection (2)) questions of discipline affecting individuals.
- (2) The Armed Forces Federation may represent a member of the armed forces at any proceedings or on an appeal from any such proceedings.
- (3) The Armed Forces Federation shall act through local and central representative bodies.
- (4) This section applies to reservists of the Armed Forces as it applies to members of the Armed Forces, and references to the Armed Forces shall be construed accordingly.

333B Regulations for the Armed Forces Federation

- (1) The Secretary of State may by regulations—
 - (a) prescribe the constitution and proceedings of the Armed Forces Federation, or
 - (b) authorise the Federation to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.
- (2) Without prejudice to the generality of subsection (1), regulations under this section may make provision—
 - (a) with respect to the membership of the Federation;
 - (b) with respect to the raising of funds by the Federation by voluntary subscription and the use and management of funds derived from such subscriptions;
 - (c) with respect to the manner in which representations may be made by committees or bodies of the Federation to officers of the Armed Forces and the Secretary of State; and
 - (d) for the payment by the Secretary of State of expenses incurred in connection with the Federation and for the use by the Federation of premises provided by local Armed Forces bodies for Armed Forces purposes.

Armed Forces Bill, continued

- (3) Regulations under this section may contain such supplementary and transitional provisions as appear to the Secretary of State to be appropriate, including provisions adapting references in any enactment (including this Act) to committees or other bodies of the Federation.
- (4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) This section applies to reservists of the Armed Forces as it applies to members of the Armed Forces.””

Member’s explanatory statement

This new clause would create a representative body for the Armed Forces, akin to the Police Federation.

Carol Monaghan
Martin Docherty-Hughes

1

Schedule 1, page 38, line 11, at end insert “or lower ranks after a minimum service of 3 years”.

Member’s explanatory statement

This amendment would extend Common Law rights for people to be tried by a jury of their peers to be extended to those in the Armed Forces.

ORDER OF THE HOUSE [8 FEBRUARY 2021]

That the following provisions shall apply to the Armed Forces Bill:

Select Committee

1. The Bill shall be committed to a Select Committee.
2. The Select Committee shall report the Bill to the House on or before 29 April 2021.

Committee of the whole House, Consideration and Third Reading

3. On report from the Select Committee, the Bill shall be re-committed to a Committee of the whole House.
4. Proceedings in Committee of the whole House on recommitment, any proceedings on Consideration and proceedings on Third Reading shall be taken in one day in accordance with the following provisions of this Order.
5. Proceedings in Committee of the whole House and any proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings in Committee of the whole House are commenced.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Armed Forces Bill, *continued**Programming committee*

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

8. Any other proceedings on the Bill may be programmed.
-