
Committee Stage: Wednesday 16 June 2021

Armed Forces Bill (Amendment Paper)

This document lists all amendments tabled to the Armed Forces Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

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

New amendments: 7 and NC6 and NC7

Stephen Morgan
Stephanie Peacock

7

★ Clause 7, page 4, line 27, at end insert—

“(4A) Guidance under subsection (3)(a) must provide for charges of murder, manslaughter, domestic violence, child abuse and rape to be tried only in civilian court when the offences are alleged to have been committed in the United Kingdom.”

Member’s explanatory statement

This amendment would ensure that the most serious crimes – murder, manslaughter domestic violence, child abuse and rape - are tried in the civilian courts when committed in the UK.

Stephen Morgan
Stephanie Peacock

1

☆ Clause 8, page 9, line 19, at end insert—

“(aa) a relevant government department;”

Member’s explanatory statement

This amendment, with amendments 2, 3 and 4, would place the same legal responsibility to have ‘due regard’ to the Armed Forces Covenant on central government and the devolved administrations as the Bill currently requires of local authorities and other public bodies.

Stephen Morgan
Stephanie Peacock

2

☆ Clause 8, page 11, line 18, at end insert—

“(aa) a relevant department in the devolved administration in Wales;”

Member’s explanatory statement

See Explanatory Statement for amendment 1

Stephen Morgan
Stephanie Peacock

3

☆ Clause 8, page 12, line 32, at end insert—

(aa) a relevant department in the devolved administration in Scotland;”

Member’s explanatory statement

See Explanatory Statement for amendment 1

Stephen Morgan
Stephanie Peacock

4

☆ Clause 8, page 14, line 4, at end insert—

“(aa) a relevant department in the devolved administration in Northern Ireland;”

Member’s explanatory statement

See Explanatory Statement for amendment 1

Stephen Morgan
Stephanie Peacock

6

☆ Clause 8, page 18, line 7, at end insert—

“343AG Section 343AF: report

The Secretary of State must lay a report before each House of Parliament no later than three months after the day on which this Act is passed on how the powers in section 343F (Sections 343AA to 343AD: power to add bodies and functions) will work in practice.”

Member's explanatory statement

This amendment would require the Secretary of State to set out how powers in the Bill could be used to widen its scope to address all matters of potential disadvantage for service personnel under the Armed Forces Covenant including employment, pensions, compensation, social care, criminal justice and immigration.

Jamie Stone
Ben Lake
Gavin Robinson
Sammy Wilson

NC1

To move the following Clause—

“Waived fees for indefinite leave to remain for serving or discharged member of the UK armed forces

- (1) The Immigration Act 2014 is amended as follows.
- (2) In section 68, after (11) insert—

“(12)No fees may be charged in respect of a serving or previously serving member of the UK armed forces, or their family members, applying for indefinite leave to remain under Appendix Armed Forces of the Immigration Rules.””

Member's explanatory statement

This new clause would amend the Immigration Act 2014 to waive the fee for indefinite leave to remain applications for any current or previously serving Members of the UK Armed forces, and their families.

Stephen Morgan
Stephanie Peacock

NC2

☆ To move the following Clause—

“Duty of care to service personnel

- (1) The Secretary of State must establish a duty of care standard in relation to legal, pastoral and mental health support provided to service personnel involved in investigations or litigation arising from overseas operations, as defined in section 1(6) of the Overseas Operations (Service Personnel and Veterans Act 2021).
- (2) The Secretary of State must lay a copy of the duty of care standard under subsection (1) before Parliament within six months of the date on which this Act is passed.
- (3) The Secretary of State must thereafter in each calendar year—
 - (a) prepare a duty of care update, and
 - (b) include the duty of care update in the Armed Forces Covenant annual report when it is laid before Parliament.

- (4) The duty of care update is a review about the continuous process and improvement to meet the duty of care standard established in subsection (1), in particular in relation to incidents arising from overseas operations of—
 - (a) litigation and investigations brought against service personnel for allegations of criminal misconduct and wrongdoing;
 - (b) civil litigation brought by service personnel against the Ministry of Defence for negligence and personal injury;
 - (c) judicial reviews and inquiries into allegations of misconduct by service personnel; and
 - (d) such other related fields as the Secretary of State may determine.
- (5) In preparing a duty of care update the Secretary of State must have regard to, and publish relevant data in relation to (in respect of overseas operations)—
 - (a) the adequacy of legal, welfare and mental health support services provided to service personnel who are accused of crimes;
 - (b) complaints made by service personnel or their legal representation when in the process of bringing or attempting to bring civil claims against the Ministry of Defence for negligence and personal injury;
 - (c) complaints made by service personnel or their legal representation when in the process of investigation or litigation for an accusation of misconduct: and
 - (d) meeting national standards of care and safeguarding for families of service personnel, where relevant.
- (6) In subsection (1) “service personnel” means—
 - (a) members of the regular forces and the reserve forces;
 - (b) members of British overseas territory forces who are subject to service law;
 - (c) former members of any of Her Majesty’s forces who are ordinarily resident in the United Kingdom; and
 - (d) where relevant, family members of any person meeting the definition within paragraph (a), (b) or (c).
- (7) In subsection (1) “duty of care” means both the legal and moral obligation of the Ministry of Defence to ensure the wellbeing of service personnel.
- (8) None of the provisions of this section may be used to alter the principle of combat immunity.”

Member’s explanatory statement

This new clause will require the Secretary of State to establish a duty of care standard in relation to legal, pastoral and mental health support provided to service personnel involved in investigations or litigation arising from overseas operations.

Stephen Morgan
Stephanie Peacock

NC3

☆ To move the following Clause—

“Report on personnel numbers in the armed forces

- (1) Within 3 months beginning with the day on which this Act is passed, the Secretary of State must lay a report before each House of Parliament which details how personnel numbers in the Royal Navy, the Army and the Royal Air Force will change in the each of the next five years, from the year ending 31 March 2022 to the year ending 31 March 2026.
- (2) The report under subsection (1) must identify the effect of any reduction in the numbers of personnel on—
 - (a) the United Kingdom’s NATO obligations and commitments,
 - (b) the United Kingdom’s relationship and commitments to allies, including the United States of America,
 - (c) the defence of British Overseas Territories, including as the Falklands Islands,
 - (d) the defence of the United Kingdom against current and emerging threats,
 - (e) the United Kingdom’s offensive operations against hostile states and actors,
 - (f) the United Kingdom’s peacekeeping operations overseas, and
 - (g) the strategic objectives outlined in the Integrated Review, Defence Command Paper, and in the Defence and Security Industrial Strategy.
- (3) Where the Secretary of State considers that publication of any information listed in subsection (2) would be contrary to the interests of national security, those details may be excluded from publication and instead must be included in a confidential annex to the report provided to the Chair of the Defence Select Committee in the House of Commons on the same day that the rest of the report is laid before each House of Parliament.
- (4) The Secretary of State must arrange for a motion to be moved in the House of Commons in relation to the findings and conclusions of the report under subsection (1) within five sitting days after the date on which the report under subsection (1) is laid before Parliament.
- (5) If the motion under subsection (5) is not passed, the Secretary of State may not propose a maximum number of personnel in any House of Commons Votes (A) for the Royal Navy, the Army and the Royal Air Force that is lower than that passed for the previous financial year.”

Member’s explanatory statement

This new clause would require the Government to publish a report on changes to personnel numbers across all services and to detail the impact of reductions on operational capabilities.

Stephen Morgan
Stephanie Peacock

NC4

☆ 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 a report 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.
- (2) The report under subsection (1) must include cases where—
 - (a) there is 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.
- (3) The report under subsection (1) must include recommendations 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.
- (4) The report must include a review of the cases 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.
- (5) The report must include discharges and forced resignations back to at least 1955.
- (6) The first report under subsection (1) must be laid no later than 6 months after the day on which this Act is passed.
- (7) The Secretary of State may make further reports under subsection (1) from time to time.
- (8) In this section, “sexuality or gender identity” includes perceived or self-identified sexuality or gender identity.”

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.

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
 - (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.””

Stephen Morgan
Stephanie Peacock

NC7

★ To move the following Clause—

“Indefinite leave to remain payments by Commonwealth and Gurkha 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 has served at least four years in the UK armed forces, or in respect of any person who has served at least four years in the Brigade of Gurkhas, 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 and Gurkha veterans applying for Indefinite Leave to Remain following four years of service will only pay the unit cost of an application.

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.

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.
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Withdrawn Amendments

The following amendments were withdrawn on 15 June 2021:

5 and NC5