

After Clause 14 - continued

12 Insert the following new Clause –

“Operation of “pay as you dine” system

- (1) Within 12 months of the coming into force of this Act, the Secretary of State shall lay a report before Parliament on the operation of the “pay as you dine” system of catering for members of the armed forces.
- (2) The report shall cover –
 - (a) estimated numbers of service personnel who are in “single living accommodation” but are acquiring and preparing their food locally rather than using “pay as you dine” facilities;
 - (b) any social impact, especially on military camaraderie, of service personnel either eating on their own or in small groups;
 - (c) an assessment of the economics for service personnel;
 - (d) comparisons between different services and different locations;
 - (e) the effect of “pay as you dine” on a balanced diet; and
 - (f) any other matter the Secretary of State thinks appropriate.”

LORD JUDD

BARONESS JONES OF MOULSECOOMB

13 Insert the following new Clause –

“Enlistment of minors

- (1) The Armed Forces Act 2006 is amended as follows.
- (2) After section 343B (interpretation of Part) insert –

“Part 16B

REPORT ON THE ENLISTMENT OF MINORS

343C Report on the enlistment of minors

- (1) The Secretary of State must in each calendar year –
 - (a) prepare a report on military service by minors; and
 - (b) lay a copy of the report before each House of Parliament.
- (2) The report must evaluate the effects on the individual, and on the armed forces, of the enlistment of persons under the age of 18.
- (3) In preparing the report the Secretary of State must have regard in particular to –
 - (a) the principle that the best interests of minors must be paramount in all policy relating to them;
 - (b) whether service people under the age of 18 are at a disadvantage in the immediate and long term future when compared to civilians of the same age, including disadvantage in education and training; and
 - (c) any implications for the armed forces, including financial implications.”

After Clause 14 - continued

BARONESS JOLLY
LORD TOUHIG

14 Insert the following new Clause –

“Armed forces covenant report on mental health parity of esteem

- (1) Section 343A of the Armed Forces Act 2006 (armed forces covenant report) is amended as follows.
- (2) In subsection (3), after paragraph (c) insert –
“*(d) parity of esteem between mental and physical healthcare.*”

LORD THOMAS OF GRESFORD
BARONESS JOLLY

15 Insert the following new Clause –

“Extra-territorial jurisdiction for sexual offences

In section 42 of the Armed Forces Act 2006 (criminal conduct), after subsection (1) insert –

- “(1A) If a person subject to service law, or a civilian subject to service discipline –
- (a) does an act in a country outside England and Wales, and
 - (b) the act, if done in England and Wales would constitute a sexual offence under any of sections 1 to 12, 14 to 19 and 30 to 37 of the Sexual Offences Act 2003,
- that person or civilian is guilty in England and Wales of that sexual offence.”

16 Insert the following new Clause –

“Extra-territorial jurisdiction

Where the courts or any part of the United Kingdom have extra-territorial jurisdiction under statute to try, determine or punish any service offence alleged to have been committed by a person subject to service law when on active service in operational circumstances and which otherwise could be tried by the Court Martial, the person accused may elect to be tried in a civilian court in the United Kingdom for the offence.”

17 Insert the following new Clause –

“Inquests

Every violent or unnatural death of every person subject to service law whether within or outside the United Kingdom shall be reported as soon as practicable to a coroner who shall determine by what means and in what circumstances the deceased came to his death.”

After Clause 14 - continued

EARL ATTLEE

18 Insert the following new Clause—

“Guidance on definition of “on duty” for reservists

The Defence Council shall promulgate an instruction or notice giving clear guidance as to when a reservist is on duty and when he or she is not, and any such guidance must cover, but need not be limited to—

- (a) all hours of a day when it is intended that the reservist is to be paid,
- (b) the period after dismissal parade but when the reservist is still on Ministry of Defence premises.”

19 Insert the following new Clause—

“Self-tasking in civil emergency

- (1) If a member of Her Majesty’s regular or reserve armed forces encounters a civil emergency he or she may, subject to subsections (2) to (5), “self-task” him or herself to intervene in order to prevent loss of life, serious injury or very serious damage to property, even without express or implied orders, and whether or not the member of the armed forces is on duty or in uniform.
- (2) Subsection (1) only applies to a member of the reserve armed forces when—
 - (a) the reservist is in uniform in accordance with regulations and orders, and
 - (b) either—
 - (i) intends to be on duty that day,
 - (ii) is on duty that day, or
 - (iii) has been on duty that day.
- (3) The Defence Council must promulgate an instruction or notice giving clear guidance as to when subsection (1) applies, making it clear what actions would be voluntary and what would be expected of the member of the armed forces.
- (4) Where a member of the armed forces has self-tasked in accordance with subsection (1), the Secretary of State shall indemnify him or her against any legal action and shall regard the individual as being on duty, provided that—
 - (a) any action taken was reasonably proportionate to the likely benefits,
 - (b) any action taken was not far outside the experience and training of the individual and unlikely to be successful, and
 - (c) it was necessary to take immediate action in order to be able to prevent the undesirable outcomes mentioned in subsection (1), even if a superior authority could be contacted reasonably quickly.
- (5) Nothing in this section confers any powers of a constable or firefighter on a member of the armed forces.”

After Clause 14 - continued

20 Insert the following new Clause –

“Self-tasking in the event of armed attack on the State

- (1) If a member of Her Majesty’s regular or reserve armed forces is aware that an armed attack on the state is taking place in his or her vicinity he or she may, subject to subsections (2) to (8), “self-task” himself or herself and take all necessary steps to neutralise the attack, even without express or implied orders.
- (2) This section applies whether or not the individual is on duty or in uniform.
- (3) The Defence Council shall promulgate an instruction or notice giving clear guidance as to when subsection (1) applies and making it clear what actions would be voluntary and what would be expected of the member of the armed forces.
- (4) Where a member of the armed forces has self-tasked under subsection (1), the Secretary of State shall indemnify him or her against any legal action and regard the individual as being on duty for all purposes, provided that –
 - (a) any action taken was broadly proportionate to the likely benefits, and
 - (b) any action taken was not far outside the experience and training of the individual and unlikely to be successful.
- (5) Where a court is considering any actions or the consequences of any actions of a member of the armed forces who has self-tasked under subsection (1), the court must take into account –
 - (a) the experience and lessons of previous terrorist attacks, and
 - (b) the overriding need to neutralise the attack in order to minimise the overall number of civilian casualties.
- (6) Nothing in this section confers any powers of a constable or firefighter on a member of the armed forces.
- (7) In subsection (1) an “armed attack on the state” means a violent attack by means of firearms, explosives, chemical or radiological device, normally against the unarmed civil community by one or more persons who could reasonably be suspected of being terrorists.
- (8) An “armed attack on the state” does not include –
 - (a) a civil riot whether or not firearms, explosives, chemical or radiological devices are involved;
 - (b) a prison disturbance of any sort;
 - (c) a breach of the peace; or
 - (d) an armed robbery.”

20A Insert the following new Clause –

“Career employment group

- (1) Subject to subsections (2) and (3), no female member of the armed forces shall be allocated a “career employment group” whose primary role is to close with and then engage or destroy the enemy in close combat.

After Clause 14 - continued

- (2) In this section, “career employment group” means any alpha-numeric reference number to identify a trade and used for personnel management.
- (3) Subsection (1) does not apply to a female member of the Armed Forces who has been specially selected on the basis of being extraordinarily fit and having exceptional mental and other capacities.”

After Clause 15

LORD WEST OF SPITHEAD
LORD ALTON OF LIVERPOOL
LORD BOYCE

21 Insert the following new Clause –

“Compensation for veterans with mesothelioma

- (1) The Secretary of State must, within two months of the passing of this Act, put in place an armed and reserve forces compensation scheme, through which a person who has served in the armed or reserved forces can claim a lump sum of at least £140,000 in respect of a diffuse mesothelioma diagnosis.
- (2) The scheme must provide that all persons who have worked in the armed forces and have been diagnosed with diffuse mesothelioma as a result of that employment are eligible to claim the lump sum specified in subsection (1) irrespective of –
 - (a) the date on which they were diagnosed; and
 - (b) whether they are in receipt of a war pension under a separate scheme.
- (3) In this section, “armed and reserve forces compensation scheme” has the same meaning as in section 1 of the Armed Forces (Pensions and Compensation) Act 2004 (pension and compensation schemes: armed and reserve forces).”

LORD EMPEY

22 Insert the following new Clause –

“Payments to veterans suffering from mesothelioma

- (1) The Secretary of State has a duty to ensure that compensation due to former members of the armed forces who have contracted mesothelioma during the course of their military service is assessed and paid efficiently and promptly.
- (2) In carrying out the duty under subsection (1), the Secretary of State must put in place, no later than 1 October 2016 –
 - (a) a publicity programme to raise awareness among former members of the armed forces who may be at risk of, or susceptible to, mesothelioma; and
 - (b) a monitoring process to ensure the comprehensive and prompt detection of mesothelioma cases among former members of the armed forces.”

After Clause 17

LORD HODGSON OF ASTLEY ABBOTTS

22A★ Insert the following new Clause –

“Reporting obligation on overseas deployments (civilian casualties)

- (1) The Royal Air Force Commander responsible for review of reports on civilian non-combatant casualties submitted to the Ministry of Defence in connection with UK deployments overseas shall report to the Minister for the Armed Forces, at least once every quarter or at any more frequent intervals as the Secretary of State may specify, on –
 - (a) the number of reports on civilian non-combatant casualties submitted by independent bodies during the period since his or her last report;
 - (b) the number of reports on civilian non-combatant casualties submitted by the civilian casualties tracking unit in that period;
 - (c) the number of reviews on civilian non-combatant casualties carried out in that period;
 - (d) the outcome of such reviews; and
 - (e) the sum and allocation of funding for any awards made as a result of the civilian casualty review procedure in that period.
- (2) A report under subsection (1) shall include –
 - (a) a copy of the relevant civilian casualty review procedure;
 - (b) working definitions of the terms “civilian” and “combatant”; and
 - (c) the standard operating procedures in place to enable the review of reports of civilian non-combatant casualties.
- (3) In this section “UK deployment” includes any airstrikes carried out by UK personnel operating manned or unmanned aircraft remotely from the United Kingdom or United States.
- (4) On receipt of any report under subsection (1), the Minister for the Armed Forces shall –
 - (a) lay a copy of the report before Parliament, and
 - (b) lay a copy of the Government’s response to the report before Parliament, making particular reference to the operation of the civilian casualty review procedure, and any relative increase in reports, reviews or awards.”

Clause 19

LORD EMPEY

23 Page 17, line 25, at end insert –

“() section (*Payments to veterans suffering from mesothelioma*);”

Armed Forces Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

2 March 2016
