

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT ARMED FORCES ACT (CONTINUATION) ORDER 2015

Monday 14 September 2015

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The Committee consisted of the following Members:

Chair: PHILIP DAVIES

- | | |
|---|--|
| † Colvile, Oliver (<i>Plymouth, Sutton and Devonport</i>)
(Con) | Meacher, Mr Michael (<i>Oldham West and Royton</i>)
(Lab) |
| † Donelan, Michelle (<i>Chippenham</i>) (Con) | Morris, Grahame M. (<i>Easington</i>) (Lab) |
| † Dowden, Oliver (<i>Hertsmere</i>) (Con) | † Paterson, Steven (<i>Stirling</i>) (SNP) |
| † Fovargue, Yvonne (<i>Makerfield</i>) (Lab) | † Sandbach, Antoinette (<i>Eddisbury</i>) (Con) |
| † Ghani, Nusrat (<i>Wealden</i>) (Con) | Shannon, Jim (<i>Strangford</i>) (DUP) |
| † Heald, Sir Oliver (<i>North East Hertfordshire</i>) (Con) | † Siddiq, Tulip (<i>Hampstead and Kilburn</i>) (Lab) |
| † Hopkins, Kris (<i>Vice-Chamberlain of Her Majesty's Household</i>) | † Sturdy, Julian (<i>York Outer</i>) (Con) |
| † Lancaster, Mark (<i>Parliamentary Under-Secretary of State for Defence</i>) | † Wilson, Phil (<i>Sedgefield</i>) (Lab) |
| † Lewis, Dr Julian (<i>New Forest East</i>) (Con) | Anna Dickson, <i>Committee Clerk</i> |
| † McGinn, Conor (<i>St Helens North</i>) (Lab) | † attended the Committee |

Fifth Delegated Legislation Committee

Monday 14 September 2015

[PHILIP DAVIES *in the Chair*]

Draft Armed Forces Act (Continuation) Order 2015

4.30 pm

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): I am pleased to serve under your chairmanship, Mr Davies.

The purpose of the order is to continue in force legislation governing the armed forces, the Armed Forces Act 2006, for a further period of one year until November 2016. This reflects the constitutional requirement under the Bill of Rights that the armed forces may not be maintained without the consent of Parliament.

The legislation that makes the necessary provision for the armed forces to exist as disciplined forces is renewed every year. There is five-yearly renewal by Act of Parliament, which is the primary purpose of the Armed Forces Acts. Between Acts, there must be an annual Order in Council, and that is the draft order that we are considering today.

I should say something about why we need to keep the 2006 Act in force. If the Order in Council is not made by the end of 2 November 2015, the Armed Forces Act 2006 will automatically expire. The effect would be to end the powers and provisions necessary to maintain the armed forces as disciplined bodies.

The 2006 Act applies to all service personnel, wherever in the world they are operating. It makes nearly all the provisions for the existence of a system of command,

discipline and justice for the armed forces, covering such matters as offences, the power of service police and the jurisdiction and powers of commanding officers and service courts, in particular the court martial. It is the basis of the service justice system that underpins the maintenance of discipline throughout the chain of command, which is fundamental to the operational effectiveness of our armed forces.

The 2006 Act also provides for a number of other matters that are important for the armed forces, such as their enlistment, their pay and the redress of complaints. Members of the armed forces have no contract of employment, and so no duty as employees. While they owe a duty of allegiance to Her Majesty, their obligation is essentially a duty to obey lawful orders. Without the 2006 Act, commanding officers and the court martial would have no powers of punishment for either disciplinary or criminal misconduct. That is why the Act is so important, and why we need to continue it in force.

The order will continue in force the 2006 Act until the end of 2 November 2016, when a new Act of Parliament will be required to provide for the legislation to continue for the next five years. We therefore expect the next Armed Forces Bill to be introduced into Parliament soon, and I look forward to full and interesting debates on it, and on matters of great importance to our armed forces, during its passage through the House.

4.32 pm

Yvonne Fovargue (Makerfield) (Lab): We have no objections to the order and look forward to the passage of the Armed Forces Bill, and we would like to add our support for the armed forces.

Question put and agreed to.

4.33 pm

Committee rose.