
STATUTORY INSTRUMENTS

2007 No. 3352

DEFENCE

**The Armed Forces (Service Complaints
Commissioner) Regulations 2007**

Made - - - - 27th November 2007

Coming into force - - 1st January 2008

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by section 338(1), (4) and (5) of the Armed Forces Act 2006⁽¹⁾:

In accordance with section 373(3) of the Armed Forces Act 2006 a draft of this instrument was laid before, and approved by resolution of, each House of Parliament.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Armed Forces (Service Complaints Commissioner) Regulations 2007 and shall come into force on 1st January 2008.

(2) In these Regulations—

“the Act” means the Armed Forces Act 2006;

“relevant officer” has the same meaning as in section 338 of the Act; and

“service complaint” has the same meaning as in section 334 of the Act.

Prescribed behaviour

2.—(1) For the purposes of section 338(1) of the Act, a person has been wronged in a prescribed way if he has been the subject of:

- (a) discrimination;
- (b) harassment;
- (c) bullying;
- (d) dishonest, improper or biased behaviour.

(2) In this regulation “discrimination” means—

- (a) discrimination or victimisation on the grounds of colour, race, ethnic or national origin, nationality, sex, gender re-assignment, status as a married person or civil partner, religion, belief or sexual orientation; and
- (b) less favourable treatment as a part-time employee.

Notifications to the Service Complaints Commissioner

3. Where, in accordance with section 338(2) of the Act, the Service Complaints Commissioner refers an allegation that a person has been wronged, the relevant officer shall within 21 days notify the Service Complaints Commissioner of the occurrence of any of the following events—

- (a) that he has informed the person that the allegation has been referred;
- (b) that the person has been made aware of the matters referred to in section 338(3)(b) of the Act;
- (c) of the decision of the person whether he wishes to make a service complaint in respect of the alleged wrong;
- (d) that a service complaint which the person wishes to make in respect of the alleged wrong may not be made because of the expiry of a period prescribed under section 334(5) of the Act⁽²⁾, and that the person has been informed of this;
- (e) that a service complaint which the person wishes to make in respect of the alleged wrong may not be made because it is about a matter of a description prescribed by regulations made under section 334(2) of the Act, and that the person has been informed of this;
- (f) of the withdrawal of a service complaint made in respect of the alleged wrong;
- (g) of a referral of a service complaint in respect of the alleged wrong to a superior officer or to the Defence Council pursuant to regulations made under section 334(4) of the Act;
- (h) of a decision under section 334(7) of the Act whether the service complaint is well-founded; and
- (i) of a decision under section 334(8) of the Act in relation to redress.

27th November 2007

Derek Twigg
Parliamentary Under Secretary of State
Ministry of Defence

(2) The relevant time limits are prescribed in Defence Council Regulations which are not made by statutory instrument.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 366 of the Armed Forces Act 2006 provides for the appointment of a Service Complaints Commissioner. Section 338 of that Act provides for the referral to the relevant officer by the Service Complaints Commissioner of allegations made to him that a person subject to service law has been wronged in a prescribed way. Regulation 2 sets out the prescribed ways.

Regulation 3 prescribes matters of which the relevant officer must notify the Service Complaints Commissioner. It also provides that he must do so within 21 days of the matter occurring.