

Armed Forces Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 3

LORD MORRIS OF ABERAVON

Page 2, line 6, after “judge” insert “licensed by the Lord Chief Justice to try murder, manslaughter and rape offences”

Clause 7

LORD THOMAS OF GRESFORD
LORD COAKER

Page 4, line 27, at end insert –

“(4A) Guidance under subsection (3)(a) must provide that where offences of murder, manslaughter, domestic violence, child abuse, rape or sexual assault with penetration are alleged to have been committed in the United Kingdom, any charges brought against a person subject to service law shall normally be tried in a civilian court unless, by reason of specific naval or military complexity involving the service, the Attorney General consents to trial by court martial.”

Member’s explanatory statement

This amendment would ensure the most serious crimes – murder, manslaughter, domestic violence, child abuse, rape and sexual assault with penetration – are tried in civilian courts when committed in the UK unless the Attorney General has specifically consented for such crimes to be tried by court martial by reason of complexity involving the service.

Clause 8

LORD COAKER

Page 9, line 17, at end insert –

“(d) a relevant employment function,
(e) a relevant pensions function,
(f) a relevant compensation function,
(g) a relevant social care function,
(h) a relevant criminal justice function, or
(i) a relevant immigration function.”

Clause 8 - continued

Page 11, line 16, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Page 12, line 40, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Page 14, line 13, at end insert –

- “(d) a relevant employment function,
- (e) a relevant pensions function,
- (f) a relevant compensation function,
- (g) a relevant social care function,
- (h) a relevant criminal justice function, or
- (i) a relevant immigration function.”

Clause 12

LORD THOMAS OF CWMGIEDD
LORD COAKER
LORD ROBERTSON OF PORT ELLEN

Page 24, line 20, at end insert –

“(3A) After section 115A insert –

“Further provision in relation to independence of investigations

115B Further provision in relation to independence of investigations

- (1) The tri-service serious crime unit must contain a victim and witness care unit, funding for which is to be made available by the Secretary of State.
- (2) The Deputy Provost Marshal for serious crime must be a civilian appointment.
- (3) The tri-service serious crime unit must carry out its investigations in a manner that is operationally independent of the military chain of command.
- (4) The Provost Marshal for serious crime must produce a report annually to the Minister chairing the Service Justice Board, who must arrange for the report to be laid before Parliament.

Clause 12 - continued

- (5) Before the tri-service serious crime unit is established, a Strategic Policing Board, consisting of a non-executive director (who is also a member of the Service Justice Executive Group), a retired chief constable, a recently retired senior military officer, and a retired judge, must be established to provide assurance and governance of the Provost Marshal for serious crime and the Defence Serious Crime Unit.
- (6) The tri-service serious crime unit must be established by 1 April 2022.
- (7) By 1 July 2022, the Provost Marshal for serious crime, Director of Service Prosecutions and Judge Advocate General must agree protocols on fatalities and ill-treatment cases.””

Member’s explanatory statement

The amendment is intended to strengthen the independence of the tri-service serious crime unit in accordance with the recommendations of the Henriques Report.

After Clause 19

LORD COAKER

Insert the following new Clause—

“Independent defence authority

- (1) The Secretary of State must review whether it is desirable to establish an independent defence authority which is responsible for interpersonal conduct within the armed forces and which has a remit, in particular—
 - (a) to assess cultures of behaviour and to identify where inappropriate behaviour is systemic,
 - (b) to promote good behaviour and, where necessary, cultural change,
 - (c) to investigate specific instances of inappropriate behaviour,
 - (d) to mediate employment-related grievances, and
 - (e) to advise service members about their rights in relation to service discipline.
- (2) Within the period of one year beginning with the day on which this Act is passed, the Secretary of State must conclude the review and lay a report before Parliament.
- (3) If the Secretary of State recommends that it is desirable to establish an independent authority, the report must—
 - (a) set out details of a reporting and investigation system which is outside of the chain of command and outside the single services, and
 - (b) explain how the authority is to have properly trained staff and a properly resourced budget.”

Member’s explanatory statement

This amendment is based on recommendations in the report of the House of Commons Defence Sub-Committee on Women in the Armed Forces, “Protecting Those Who Protect Us: Women in the Armed Forces from Recruitment to Civilian Life”.

LORD MORRIS OF ABERAVON

Insert the following new Clause –

“Murder, manslaughter, rape and serious injury offences: publication of figures

The Secretary of State must –

- (a) annually publish the rates of conviction in the Court Martial for –
 - (i) murder,
 - (ii) manslaughter,
 - (iii) rape, and
 - (iv) other offences that have caused serious injury, and
- (b) consider methods of improving rates of conviction for such offences.”

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16 November 2021
