

Armed Forces Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 8

BARONESS GOLDIE

Page 15, line 35, at end insert –

“(3A) Guidance under this section –

- (a) may not be issued unless a draft has been laid before Parliament, and
- (b) comes into force on whatever day the Secretary of State may appoint by regulations.”

Member’s explanatory statement

This amendment would provide for guidance under new section 343AE to be laid in draft before Parliament and for the coming into force of the guidance to be governed by regulations (and is to be read with Baroness Goldie’s amendments at lines 36 and 43 of page 15 and page 18, line 39).

Page 15, line 36, leave out “issuing guidance under subsection (1)” and insert “laying draft guidance under this section before Parliament”

Member’s explanatory statement

This amendment is supplementary to Baroness Goldie’s amendment at page 15, line 35.

Page 15, line 42, after “department” insert “so far as the guidance relates to devolved Northern Ireland functions”

Member’s explanatory statement

This amendment corrects an omission in provisions setting out the Secretary of State’s duty to consult before issuing guidance.

Page 15, line 43, at end insert –

“(4A) Subsection (3A) has effect in relation to any revised guidance.”

Member’s explanatory statement

This amendment is supplementary to Baroness Goldie’s amendment at page 15, line 35.

Page 16, line 4, leave out “current version” and insert “version currently in force”

Member’s explanatory statement

This amendment is consequential on Baroness Goldie’s amendment at page 15, line 35.

Page 17, line 39, after “department” insert “so far as the regulations contain provision that is within Northern Ireland devolved competence”

Member’s explanatory statement

This amendment corrects an omission in provisions setting out the Secretary of State’s duty to consult before making regulations.

Page 18, leave out lines 17 to 21

Member’s explanatory statement

This amendment corrects the definition of “Northern Ireland devolved competence” by removing a redundant limb.

Page 18, leave out line 32 and insert –

- “(b) subsection (4) is amended as follows –
 - (i) in the definition of “relevant family members”, after “means” insert “such persons as may be prescribed, and for the purposes of section 343A also includes”;
 - (ii) at the appropriate place insert –

Member’s explanatory statement

This amendment and Baroness Goldie’s amendment at page 18, line 37 would provide for “relevant family members” to be defined in regulations.

LORD MACKAY OF CLASHFERN

Page 18, line 32, at end insert –

““armed forces covenant” means an agreement between the Secretary of State, on behalf of the people of the United Kingdom, and service people;”

BARONESS GOLDIE

Page 18, line 37, at end insert –

- “(c) after subsection (4) insert –
 - “(4A) In subsection (4) “prescribed” means prescribed by regulations made by the Secretary of State under this subsection.
 - (4B) Before making regulations under subsection (4A) the Secretary of State must consult –
 - (a) the Welsh Ministers so far as the regulations contain provision that is within Welsh devolved competence,
 - (b) the Scottish Ministers so far as the regulations contain provision that is within Scottish devolved competence,
 - (c) the relevant Northern Ireland department so far as the regulations contain provision that is within Northern Ireland devolved competence, and

Clause 8 - continued

- (d) any other persons the Secretary of State considers appropriate.
- (4C) Subsections (8) to (10) of section 343AF apply for the purposes of subsection (4B) as they apply for the purposes of that section.””

Member’s explanatory statement

This amendment and Baroness Goldie’s amendment at page 18, line 32 would provide for “relevant family members” to be defined in regulations. This amendment also imposes requirements with regard to consultation.

Page 18, line 39, at end insert –

“(eda) regulations under section 343AE(3A),”

Member’s explanatory statement

This amendment supplements Baroness Goldie’s amendment at page 15, line 35 and would apply affirmative resolution procedure to regulations bringing guidance into force.

Page 18, line 40, at end insert –

“(ef) regulations under section 343B(4A),”

Member’s explanatory statement

This amendment supplements Baroness Goldie’s amendment at page 18, line 32 and would apply affirmative resolution procedure to regulations prescribing persons as “relevant family members”.

Clause 11**BARONESS GOLDIE**

Page 23, line 6, at end insert –

- “(2A) If regulations under subsection (1) include provision corresponding (with or without modifications) to section 10(5) of the Police Reform Act 2002 (general functions of Director General), the regulations may also provide for subsection (2D) of section 54 of the Police Act 1996 (functions of inspectors of constabulary) to apply (with or without modifications) in relation to the Service Police Complaints Commissioner as that subsection applies in relation to the Director General of the Independent Office for Police Conduct.”

Member’s explanatory statement

This amendment would enable regulations to impose on the chief inspector of constabulary duties which would be reciprocal to duties imposed on the Service Police Complaints Commissioner by the same regulations.

Schedule 4

BARONESS GOLDIE

Page 52, line 23, at end insert –

- “2A In Part 2 of the Table in paragraph 3 of Schedule 1 to the Public Records Act 1958 (definition of public records), at the appropriate place insert –
“Service Police Complaints Commissioner.””

Member’s explanatory statement

This amendment would provide for records of the Service Police Complaints Commissioner to be public records for the purposes of the Public Records Act 1958.

After Clause 19

LORD COAKER

LORD DANNATT

LORD CRAIG OF RADLEY

Insert the following new Clause –

“Indefinite leave to remain payments by Commonwealth, Hong Kong 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 armed forces of the United Kingdom, or any person who has served at least four years in the Royal Navy Hong Kong Squadron, the Hong Kong Military Service Corps or 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, Hong Kong and Gurkha veterans applying for Indefinite Leave to Remain following four years of service will only pay the unit cost of an application.

LORD ROBERTSON OF PORT ELLEN

Insert the following new Clause –

“Review of service justice

- (1) Within one month of the passing of this Act, a Minister of the Crown must make a statement to both Houses of Parliament on whether the Government has accepted or rejected the recommendation in the report of the Henriques Review into the framework, processes and skills that the service justice system requires for overseas operations on establishing a Defence Representation Unit to provide a triage service to Service personnel and veterans under investigation for criminal conduct.

After Clause 19 - continued

- (2) If the recommendation has been accepted, the Minister must lay before both Houses of Parliament a report containing a plan and timeline for establishing the Unit.
- (3) The report under subsection (2) must include, but is not limited to, a plan for implementing the following requirements—
 - (a) that the Unit should be headed by a Director of Defence Counsel Services;
 - (b) that the Director and the Unit must be fully independent of the military chain of command and act under the general supervision of the Attorney General;
 - (c) that any guidelines or instructions issued by the Attorney General must be published;
 - (d) that advice given by the Unit may be given remotely or by telephone and should not justify any unwarranted delay in investigations or in any judicial process;
 - (e) that the Unit must be contacted at the earliest opportunity by those seeking advice;
 - (f) that the Unit will be established within six months of the statement under subsection (1).”

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17 November 2021
