

Armed Forces Bill

MARSHALLED LIST OF MOTIONS TO BE MOVED ON CONSIDERATION OF COMMONS REASONS

[The page and line references refer to HL Bill 42, the bill as first printed for the Lords]

MOTION A

Clause 7

LORDS AMENDMENT 1

1 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.”

COMMONS REASON

The Commons disagree to Lords Amendment 1 for the following Reason—

1A *Because a presumption in favour of the offences in question being heard in the civilian courts is not necessary or justified.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 1, to which the Commons have disagreed for their Reason 1A, and do propose Amendment 1B in lieu—

1B 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 the circumstances, including but not limited to specific naval or military complexity involving the service, the Director of Public Prosecutions, after consultation with the Attorney General, directs trial by court martial.”

COMMONS REASON

The Commons disagree to Lords Amendment 1B for the following Reason –

1C *Because a presumption in favour of the offences in question being heard in the civilian courts is not necessary or justified.*

A **Baroness Goldie to move, That this House do not insist on its Amendment 1B, to which the Commons have disagreed for their Reason 1C.**

A1 **Lord Thomas of Gresford to move, as an amendment to Motion A, at end insert “and do propose Amendment 1D as an amendment in lieu –**

1D 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 the circumstances, including but not limited to specific naval or military complexity involving the service, trial by court martial is directed by –

- (a) in England and Wales, the Director of Public Prosecutions, after consultation with the Attorney General;
- (b) in Scotland, the Lord Advocate;
- (c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland, after consultation with the Attorney General for Northern Ireland.””

MOTION B

Clause 8

LORDS AMENDMENT 2

2 Page 9, line 18, at end insert –
“(za) the Secretary of State;”

COMMONS REASON

The Commons disagree to Lords Amendment 2 for the following Reason –

2A *Because the Commons do not consider the addition of the Secretary of State as a specified person to be necessary to address any disparity in the delivery of core services across the United Kingdom, or otherwise to achieve the aims of the Bill.*

LORDS NON-INSISTENCE AND AMENDMENT IN LIEU

The Lords do not insist on their Amendment 2, to which the Commons have disagreed for their Reason 2A, and do propose Amendment 2B in lieu –

2B Page 18, line 28, at end insert —

“343AG Section 343AF: report

The Secretary of State must lay a report before each House of Parliament no later than six months after the day on which the Armed Forces Act 2021 is passed detailing the implications of not applying the same legal responsibility to have “due regard” under the Armed Forces Covenant to central government as the Act requires of local authorities and other public bodies.”

COMMONS REASON

The Commons disagree to Lords Amendment 2B for the following Reason —

2C *Because the proposed legal duty is unnecessary having regard to the Government’s existing obligations.*

B **Baroness Goldie to move, That this House do not insist on its Amendment 2B, to which the Commons have disagreed for their Reason 2C.**

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