

# Armed Forces Commissioner Bill

---

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*The amendments have been marshalled in accordance with the Instruction of 5th March 2025, as follows –*

Clause 1	Schedule 2
Schedule 1	Clauses 6 to 8
Clauses 2 to 5	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 1**

BARONESS SMITH OF NEWNHAM

- 1** Clause 1, page 2, line 2, at end insert –
- “(5A) The Commissioner must –
- (a) uphold and give due regard to the principles and commitments of the Armed Forces Covenant when carrying out its functions;
  - (b) monitor and report on compliance with the principles and commitments of the Armed Forces Covenant in all areas of its responsibility.”

***Member's explanatory statement***

*This amendment would require the Commissioner to uphold and abide by the principles of the Armed Forces Covenant when carrying out its functions.*

BARONESS SMITH OF NEWNHAM

- 2★** Clause 1, page 2, line 4, at end insert –
- “(7) For the purposes of this section, “persons subject to service law” includes people going through the recruitment process to join any branch of the armed forces, and “relevant family members” includes the family members of people going through any such recruitment process.”

***Member's explanatory statement***

*This amendment would allow those currently going through the recruitment process to join the armed forces to use the Armed Forces Commissioner for its intended purposes.*

**Schedule 1**

LORD BEAMISH  
LORD RUSSELL OF LIVERPOOL

3 Schedule 1, page 8, line 16, at end insert—

“3A The Secretary of State must not make a recommendation to His Majesty under paragraph 3 until the recommendation has been laid before, and approved by a resolution of, each House of Parliament.”

***Member's explanatory statement***

*This amendment would mean the Secretary of State could not recommend a candidate to be appointed Armed Forces Commissioner to His Majesty until both Houses of Parliament have approved that candidate.*

BARONESS SMITH OF NEWNHAM

4★ Schedule 1, page 8, line 16, at end insert—

“3A The Secretary of State’s preferred candidate for Commissioner must make themselves available to any relevant parliamentary committee for a pre-appointment hearing.

3B For the purposes of this Schedule, a “relevant parliamentary committee” is a committee of the House of Commons or House of Lords whose remit includes matters specifically related to the armed forces.

3C If a pre-appointment hearing takes place, the parliamentary committee in question may hold a confirmatory vote on the Secretary of State’s preferred candidate for Commissioner.

3D Where a relevant parliamentary committee has expressed a negative opinion on the appointment of the Secretary of State’s preferred candidate for Commissioner, the Secretary of State cannot proceed with the appointment of that candidate until they have responded to the committee’s representations, after which the committee may hold a second confirmatory vote.

3E The Secretary of State may only recommend the appointment of a candidate to His Majesty if—

- (a) no relevant parliamentary committee has expressed a negative opinion on that appointment, or
- (b) any relevant parliamentary committee which initially expressed a negative opinion on the proposed appointment has revised that opinion in light of the response from the Secretary of State.”

***Member's explanatory statement***

*This amendment would mean that the Commissioner cannot be appointed if a relevant parliamentary select committee objects to their appointment.*

LORD BEAMISH  
LORD RUSSELL OF LIVERPOOL

- 5 Schedule 1, page 8, line 28, leave out “two” and insert “five”

***Member's explanatory statement***

*This amendment would allow the Commissioner to sit for two consecutive terms of five years each.*

LORD BEAMISH  
LORD RUSSELL OF LIVERPOOL

- 6 Schedule 1, page 10, line 32, leave out “may” and insert “must”

***Member's explanatory statement***

*This amendment would require the Secretary of State to provide financial assistance to the Commissioner.*

BARONESS SMITH OF NEWNHAM

- 7 Schedule 1, page 10, line 39, at end insert –

“(3) The Secretary of State must ensure that the financial and practical assistance provided to the Commissioner is appropriate and sufficient to allow the Commissioner to carry out its functions.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to provide adequate financial and practical assistance to the Commissioner to enable it to carry out its functions.*

**Clause 4**

BARONESS GOLDIE  
THE EARL OF MINTO  
THE LORD BISHOP OF NORWICH

- 8 Clause 4, page 2, line 35, at end insert –

“(2A) A “general service welfare matter” may include issues relating to the wellbeing of, and provision of support to, the children, families and other dependants of serving and former members of the armed forces, including but not limited to –

(a) the provision and operation of the Continuity of Education Allowance,

- (b) the provision of special educational needs tuition, and
- (c) the maintenance of service families' accommodation."

BARONESS GOLDIE  
THE EARL OF MINTO  
THE LORD BISHOP OF NORWICH

9 Clause 4, page 2, line 35, at end insert –

- “(2A) A “general service welfare matter” may include issues relating to the provision of pensions and death in service benefits to serving and former members of the armed forces and their dependants.”

BARONESS SMITH OF NEWNHAM  
BARONESS BENNETT OF MANOR CASTLE

10 Clause 4, page 3, line 31, after “means” insert “kinship carers and the family members of deceased service personnel as well as other”

***Member's explanatory statement***

*This amendment would include kinship carers and the family members of deceased service personnel in the definition of ‘relevant family members’.*

BARONESS SMITH OF NEWNHAM  
BARONESS BENNETT OF MANOR CASTLE

11 Clause 4, page 3, line 35, at end insert –

**“340IAA Commissioner support for minority groups within service personnel**

- 5 (1) When investigating general service welfare matters under section 340IA, the Commissioner must consider the specific experiences of minority groups within service personnel, including but not limited to those who are –
- (a) female;
  - (b) BAME;
  - (c) not UK citizens;
  - (d) LGBT+;
  - 10 (e) disabled.
- (2) The Commissioner may investigate service welfare matters unique to one or more of these groups of service personnel.
- (3) The Commissioner must maintain up-to-date evidence on the experiences of these groups of service personnel and develop robust community engagement mechanisms to identify and address issues specific to these groups.
- 15

- (4) The Commissioner must establish a formal network of representation to enable the views and concerns of these groups of service personnel to be communicated to the Commissioner.
- 20 (5) The Commissioner must publish an annual report outlining—
- (a) the issues facing and concerns raised by these groups of service personnel;
  - (b) the actions taken by the Commissioner to address identified issues;
  - 25 (c) the progress made in improving conditions for these groups of service personnel.”

***Member's explanatory statement***

*This amendment would require the Commissioner to take specific action to consider and address welfare issues facing service personnel from minority groups.*

BARONESS BENNETT OF MANOR CASTLE

*As an amendment to Amendment 11*

**12★** At the end of inserted subsection (1), insert—

- “(f) under the age of 18;
- (g) service personnel who joined the forces when under the age of 18.”

BARONESS GOLDIE  
THE EARL OF MINTO

**13★** Clause 4, page 4, line 18, leave out from “proposal” to end of line 19 and insert “at least seven days before the Commissioner intends to exercise the power under subsection (1).”

***Member's explanatory statement***

*This amendment provides that the Commissioner must give the Secretary of State a minimum of seven days' notice before entering service premises.*

BARONESS GOLDIE  
THE EARL OF MINTO

**14** Clause 4, page 4, line 19, at end insert—

- “(3A) Once the Commissioner has given the notice to the Secretary of State under subsection (3), the Secretary of State must, as soon as is practicable, inform the commanding officer of the relevant service premises that the Commissioner proposes to exercise its power under subsection (1).”

***Member's explanatory statement***

*This amendment requires the Secretary of State to notify the commanding officer of the service premises when the Commissioner intends to exercise their power of entry.*

BARONESS GOLDIE  
THE EARL OF MINTO

- 15 Clause 4, page 4, leave out lines 20 to 22 and insert—
- “(4) Subsections (3) and (3A) do not apply, so far as relating to service premises in the United Kingdom, if—
- (a) the Commissioner reasonably believes there to be an immediate possibility of the destruction of evidence relating to an investigation under section 340IA of this Act, or
  - (b) the Commissioner reasonably believes that there is an immediate risk to the safety of persons subject to service law.
- (4A) Where the Commissioner does not give the Secretary of State notice of their intent to exercise the power under subsection (1) as per subsection (4), the Commissioner must inform the Secretary of State in writing as to the reasons for their decision.”

BARONESS GOLDIE  
THE EARL OF MINTO  
THE LORD BISHOP OF NORWICH

- 16 Clause 4, page 5, line 12, at end insert—
- “340IC Commissioner’s functions in relation to whistleblowing**
- (1) The Commissioner may investigate any concern raised by a whistleblower of which the Commissioner becomes aware (whether because the whistleblower has contacted the Commissioner or for any other reason) but only if the whistleblower informs the Commissioner, before the beginning of the investigation, that he or she consents to an investigation taking place.
  - (2) In deciding whether to investigate, the Commissioner must take into account the public interest.
  - (3) The Commissioner must, when carrying out an investigation under this section, take all reasonable precautions to ensure the anonymity of the whistleblower.
  - (4) For the purposes of this section, a person is a “whistleblower” if—
    - (a) the person is, or was at any time, subject to service law,
    - (b) the person raises a concern that is about another person subject to service law, and
    - (c) the matter to which the concern relates is not about the conditions of service of persons subject to service law.”

***Member's explanatory statement***

*This amendment creates a new whistleblowing duty for the Commissioner, to ensure service personnel can raise concerns with anonymity.*

BARONESS GOLDIE  
THE EARL OF MINTO  
THE LORD BISHOP OF NORWICH

17 Clause 4, page 5, line 22, at end insert –

“(aa) the report must include the Commissioner’s view on whether the relevant general service welfare issue has had, or may have, an effect on the recruitment and retention of armed forces personnel,”

BARONESS SMITH OF NEWNHAM

18 Clause 4, page 6, line 2, at end insert –

“(4A) After section 340O (annual report on system for dealing with service complaints), insert –

**“340OA Annual report on the work of the Commissioner**

- (1) The Commissioner must, for each calendar year, prepare a report covering –
  - (a) the actions taken by the Commissioner to promote and improve the welfare of persons subject to service law and relevant family members;
  - (b) the initiatives undertaken by the Commissioner to enhance public awareness of welfare issues faced by persons subject to service law and relevant family members;
  - (c) the resources used by the Commissioner in fulfilling its functions, and any further resources required.
- (2) On receiving a report under this section, the Secretary of State must lay it before Parliament promptly and, in any event, before the end of 30 sitting days beginning with the day on which the report is received.

“Sitting day” means a day on which both Houses of Parliament sit.
- (3) The Secretary of State may exclude from any report laid under this section any material the publication of which the Secretary of State considers –
  - (a) would be against the interests of national security;
  - (b) might jeopardise the safety of any person.
- (4) Within three months of the receipt of any report prepared by the Commissioner under this section, the Secretary of State must publish a response to the report which includes an overview of any measures taken or planned to be taken to address any resource issues identified by the Commissioner.””

***Member's explanatory statement***

*This amendment would require the Commissioner to publish an annual report on the work it had done to improve the welfare of service personnel and public awareness of welfare issues faced by service personnel and their families.*

**After Clause 4**

BARONESS GOLDIE  
THE EARL OF MINTO

19 After Clause 4, insert the following new Clause –

**“Report: Commissioner’s interaction with the Service Police Complaints Commissioner**

- (1) Within six months of the day on which this Act is passed, the Secretary of State must publish a report on the interaction between the roles of the Armed Forces Commissioner and the Service Police Complaints Commissioner.
- (2) The report under subsection (1) must be laid before Parliament.”

**After Clause 5**

LORD HAY OF BALLYORE  
LORD BROWNE OF BELMONT  
LORD MORROW

20 After Clause 5, insert the following new Clause –

**“Engagement with the Veterans’ Commissioners**

- (1) In carrying out their functions under this Act, the Armed Forces Commissioner must regularly consult with the Veterans’ Commissioners for Wales, Scotland and Northern Ireland.
- (2) Engagement with the Veterans’ Commissioners under subsection (1) must have the primary aim of coordinating to address the needs of serving members of the Armed Forces and veterans across the United Kingdom.”

BARONESS SMITH OF NEWNHAM

21 After Clause 5, insert the following new Clause –

**“Timeframe for implementation of this Act**

The Secretary of State must, within one month of the day on which this Act is passed, publish an intended timeframe for –

- (a) the appointment of the Commissioner;
- (b) the abolishing of the office of the Service Complaints Ombudsman;
- (c) the commencement of operations of the office of the Commissioner.”

***Member's explanatory statement***

*This amendment would require the Secretary of State to state when they intend to appoint a Commissioner and get the office of the Commissioner operational.*



**Schedule 2**

BARONESS GOLDIE  
THE EARL OF MINTO

- 22** Schedule 2, page 12, line 14, leave out from “2000,” to end of line 15 and insert “for “Service Complaints Ombudsman” substitute “Armed Forces Commissioner”.”

***Member's explanatory statement***

*This amendment makes the Commissioner subject to the Freedom of Information Act 2000.*

LORD COAKER

- 23** Schedule 2, page 14, line 27, at end insert –

“21A In section 340N –

- (a) in subsection (1) –
  - (i) in the words before paragraph (a), after “the communication” insert “(“P”);
  - (ii) in each of paragraphs (a) and (b), for “his or her” substitute “P’s”;
  - (iii) in paragraph (b), for “the person” substitute “P”;
  - (iv) in the words after paragraph (b), for “officer” substitute “person”;
- (b) in subsection (2) –
  - (i) for “officer”, in each place, substitute “person”;
  - (ii) for “by the person” substitute “by P”;
- (c) in subsection (3) –
  - (i) in the words before paragraph (a), for “officer” substitute “person”;
  - (ii) in each of paragraphs (a), (b) and (c), for “the person” substitute “P”.”

***Member's explanatory statement***

*This amendment makes provision that is consequential on clause 3.*

**Clause 6**

LORD LANCASTER OF KIMBOLTON

- 24** Clause 6, page 6, line 24, leave out “, except Gibraltar”

**Clause 7**

BARONESS GOLDIE  
THE EARL OF MINTO

- 25** Clause 7, page 6, line 27, at end insert –  
“(za) section 4A;”



# Armed Forces Commissioner Bill

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN GRAND COMMITTEE

---

*17 March 2025*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS