

Armed Forces Commissioner Bill

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

[The page and line references are to HL Bill 63, the Bill as first printed for the Lords]

MOTION A

LORDS AMENDMENTS 2 AND 3

Clause 1

- 2 Clause 1, page 1, line 15, at end insert –
- “(aa) to investigate concerns raised by a whistleblower in relation to the welfare of persons subject to service law and relevant family members, and”
- 3 Clause 1, page 2, line 4, at end insert –
- “(7) For the purposes of this section a person (“P”) is a “whistleblower” if –
- (a) P is subject to service law or is a relevant family member,
 - (b) P raises a concern that is about another person subject to service law,
 - (c) the concern raised by P relates to general service welfare matters (as defined by section 340IA(2)), and
 - (d) the concern raised by P does not relate to the conditions of service of persons subject to service law.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree with the Lords in their Amendments 2 and 3 but propose the following Amendment in lieu of those Amendments –

2A Page 5, line 19, at end insert –

“(1A) Subsection (1B) applies if the investigation was carried out wholly or partly in response to a request made by an individual.

(1B) A report under subsection (1) must not include information which identifies the individual or enables them to be identified, except with their consent.”

A **Lord Coaker to move, That this House do not insist on its Amendments 2 and 3 and do agree with the Commons in their Amendment 2A in lieu.**

A1 **Baroness Goldie to move, as an amendment to Motion A, leave out from “3” to end and insert “, do disagree with the Commons in their Amendment 2A and do propose Amendments 2B and 2C in lieu of Amendment 2A –**

2B Clause 1, page 1, line 15, at end insert –

“(aa) to investigate concerns raised by a whistleblower in relation to the welfare of persons subject to service law and relevant family members, and”

2C 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) The Commissioner must, when carrying out an investigation under this section, take all reasonable precautions to ensure the anonymity of the whistleblower.
- (3) For the purposes of this section and section 365AA a person (“P”) is a “whistleblower” if –
 - (a) P is subject to service law or is a relevant family member,
 - (b) P raises a concern about a person who is subject to service law,
 - (c) the concern raised by P relates to general service welfare matters (as defined by section 340IA(2)), and
 - (d) the concern raised by P does not relate to the conditions of service of persons subject to service law.
- (4) After carrying out an investigation of a concern raised by a whistleblower under this section, the Commissioner may prepare a report setting out the Commissioner’s findings.
- (5) A report under subsection (4) must not include information which identifies the whistleblower or enables them to be identified, except with their consent.”

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