

Armed Forces Commissioner Bill

COMMONS INSISTENCE AND DISAGREEMENT TO LORDS AMENDMENTS WITH A REASON

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

Clause 1

LORDS AMENDMENT 2

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”

LORDS AMENDMENT 3

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.”

LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

The Lords do not insist on their Amendments 2 and 3, 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.”

COMMONS INSISTENCE AND DISAGREEMENT

The Commons insist on Amendment 2A and disagree to Lords Amendments 2B and 2C proposed in lieu of that Amendment for the following Reason –

2D *Because the Bill creates an effective regime for the investigation of matters of concern to service personnel and their families, Amendment 2A makes appropriate provision to protect the anonymity*

of individuals who raise such concerns, and the additional provision inserted by Amendments 2B and 2C is unnecessary and inappropriate.

Armed Forces Commissioner Bill

COMMONS INSISTENCE AND DISAGREEMENT TO LORDS AMENDMENTS WITH A
REASON

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