



Armed Forces Act 2006

2006 CHAPTER 52

Second Group of Parts Miscellaneous Matters

PART 14

ENLISTMENT, TERMS OF SERVICE ETC

Role of Service Complaints Commissioner

338 Referral by Service Complaints Commissioner of certain allegations

- (1) This section applies where the Service Complaints Commissioner (“the Commissioner”) considers that any communication made to him contains an allegation that a person named in such a communication—
 - (a) is subject to service law and has been wronged in a prescribed way; or
 - (b) was wronged in such a way while he was so subject.
- (2) The Commissioner may refer the allegation to the officer whom he considers to be the relevant officer.
- (3) If the allegation is referred under subsection (2), the officer to whom it is referred must as soon as is reasonably practicable—
 - (a) inform the person that the allegation has been so referred;
 - (b) ensure that the person is aware of—
 - (i) the procedure for making a service complaint; and
 - (ii) the effect on the making of service complaints of any regulations made by virtue of section 334(5)(b) (time limits for service complaints); and
 - (c) ascertain whether he wishes to make a service complaint in respect of the alleged wrong.
- (4) Regulations made by the Secretary of State must provide that where the allegation is referred under subsection (2), the prescribed person must within the prescribed period notify the Commissioner of prescribed matters.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(5) In this section—

“prescribed” means prescribed by regulations made by the Secretary of State;

“relevant officer” means the officer to whom a service complaint made by the person in respect of the alleged wrong is (under regulations made under section 334) to be made;

“service complaint” has the same meaning as in that section.

339 Reports by Commissioner on system for dealing with service complaints etc

(1) The Service Complaints Commissioner (“the Commissioner”) must prepare and give to the Secretary of State, as soon as practicable after the end of each relevant period, a report as to—

- (a) the efficiency, effectiveness and fairness with which the system under this Part for dealing with service complaints has operated during that period;
- (b) the exercise by the Commissioner during that period of his function under section 338 of referring allegations; and
- (c) such other aspects of the system mentioned in paragraph (a), and such matters relating to the function mentioned in paragraph (b), as the Commissioner considers appropriate or the Secretary of State may direct.

(2) The Secretary of State must lay before Parliament each report under subsection (1) received by him.

(3) The Secretary of State may exclude from any report laid under subsection (2) any material whose publication he considers—

- (a) would be against the interests of national security; or
- (b) might jeopardise the safety of any person.

(4) The Secretary of State may require the Commissioner to prepare and give to him a report on—

- (a) any aspect of the system mentioned in subsection (1)(a);
- (b) any matter relating to the function mentioned in subsection (1)(b).

(5) In this section—

“relevant period” means a period of one year beginning with—

- (a) the date this section comes into force; or
- (b) an anniversary of that date;

“service complaint” has the same meaning as in section 334.