



Armed Forces Act 2006

2006 CHAPTER 52

Second Group of Parts Miscellaneous Matters

PART 14

ENLISTMENT, TERMS OF SERVICE ETC

Redress of individual grievances

334 Redress of individual grievances: service complaints

- (1) If—
 - (a) a person subject to service law thinks himself wronged in any matter relating to his service, or
 - (b) a person who has ceased to be subject to service law thinks himself wronged in any such matter which occurred while he was so subject,he may make a complaint about the matter under this section (a “service complaint”).
- (2) But a person may not make a service complaint about a matter of a description specified in regulations made by the Secretary of State.
- (3) The Defence Council must by regulations make provision with respect to the procedure for making and dealing with service complaints.
- (4) The regulations must in particular make provision requiring—
 - (a) a service complaint to be made to an officer of a prescribed description;
 - (b) the officer to whom a service complaint is made to decide whether to consider the complaint himself or to refer it to a superior officer of a prescribed description or to the Defence Council;
 - (c) a service complaint considered by the officer to whom the complaint is made to be referred, on the application of the complainant, to a superior officer of a prescribed description or (if the officer considers it appropriate) to the Defence Council;

Status: This is the original version (as it was originally enacted).

- (d) a superior officer to whom a service complaint is referred by virtue of paragraph (b) or (c) to decide whether to consider the complaint himself or to refer it to the Defence Council;
 - (e) a service complaint considered by a superior officer to whom the complaint is referred by virtue of paragraph (b) or (c) to be referred, on the application of the complainant, to the Defence Council.
- (5) Without prejudice to the generality of subsections (3) and (4), the regulations may also make provision—
- (a) as to the way in which a service complaint is to be made (including provision as to the information to be provided by the complainant);
 - (b) that a service complaint, or an application of a kind mentioned in subsection (4)(c) or (e), may not be made, except in prescribed circumstances, after the end of a prescribed period.
- (6) A period prescribed under subsection (5)(b) must not be less than three months beginning with the day on which the matter complained of occurred.
- (7) If, under provision made by virtue of subsections (3) and (4)—
- (a) an officer decides to consider a service complaint himself, or
 - (b) a service complaint is referred to the Defence Council,
- the officer or the Defence Council (“the appropriate person”) must decide whether the complaint is well-founded.
- (8) If the appropriate person decides that the complaint is well-founded, he must—
- (a) decide what redress (if any), within his authority, would be appropriate; and
 - (b) grant any such redress.
- (9) In this section “prescribed” means prescribed by regulations made by the Defence Council.