STATUTORY INSTRUMENTS

2026 No. 14 (C. 3)

DEFENCE

The Armed Forces Commissioner Act 2025 (Commencement No. 1 and Transitional and Saving Provisions) Regulations 2026

Made - - - - *8th January 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 7(2), (3) and (4) of the Armed Forces Commissioner Act 2025(**a**).

Citation and extent

1.—(1) These Regulations may be cited as the Armed Forces Commissioner Act 2025 (Commencement No. 1 and Transitional and Saving Provisions) Regulations 2026.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

"the 2006 Act" means the Armed Forces Act 2006(**b**);

"the 2025 Act" means the Armed Forces Commissioner Act 2025;

"the commencement date" means 1st April 2026;

"the Commissioner" means the Armed Forces Commissioner;

"the Ombudsman" means the Service Complaints Ombudsman.

Provisions coming into force on 2nd March 2026

3. The following provisions of the 2025 Act come into force on 2nd March 2026—

(a) section 1(1) and (4) (Armed Forces Commissioner);

(b) Schedule 1 (Armed Forces Commissioner).

Provisions coming into force on the commencement date

4. The following provisions of the 2025 Act come into force on the commencement date—

(**a**) 2025 c. 23.

(**b**) 2006 c. 52. Part 14A of the Armed Forces Act 2006 was inserted by section 2(1) of the Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19). Section 340D was amended by section 10 of the Armed Forces Act 2021 (c. 35).

(a) section 1(2) and (3) (Armed Forces Commissioner);

(b) section 2 (Commissioner's functions in relation to service complaints);

(c) section 4 (Commissioner's functions in relation to service welfare);

(d) section 5 (consequential amendments);

(e) Schedule 2 (consequential amendments), except for paragraph 22.

General transitional and saving provisions

5.—(1) An application that was made to the Ombudsman under section 340H(1) of the 2006 Act or under regulation 7(1) or 12(1) of the Armed Forces (Service Complaints) Regulations 2015(**a**) before the commencement date is to be treated from the commencement date as if it had been made to the Commissioner.

(2) Where the Ombudsman may begin, or has begun an investigation under section 340H(1) of the 2006 Act before the commencement date, the Commissioner may begin or continue that investigation.

(3) Where the Ombudsman has carried out an investigation under section 340H(1)(a) or (b) of the 2006 Act in relation to a service complaint, the Commissioner may not investigate a subsequent application relating to the same complaint except in circumstances specified in regulations under section 340H(11) of the 2006 Act.

(4) Where the Commissioner prepares an annual report under section 340O(1) for the calendar year 2026, section 340O(2)(b) applies as if the reference to the exercise by the Commissioner during that year of the Commissioner's functions under Part 14A includes the exercise by the Ombudsman of the Ombudsman's functions under Part 14A during that year before the commencement date.

(5) Any act, omission or other thing (including legal proceedings) done or which, at the commencement date, is in the process of being done by or in relation to the Ombudsman in respect of, or in connection with, the exercise of its functions, is to be treated as an act, omission or thing done or in the process of being done, and may be continued, by or in relation to the Commissioner.

(6) Any enactment, instrument or other document passed or made before the commencement date has effect, so far as is necessary for the purposes of or in consequence of these Regulations as if references to (and references which are to be read as references to) the Ombudsman were or included references to the Commissioner.

(7) The property, rights and liabilities of the Ombudsman immediately before the commencement date transfer to the Commissioner.

Louise Sandher-Jones
Parliamentary Under Secretary of State
Ministry of Defence

8th January 2026

(**a**) S.I. 2015/1955, to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These are the first commencement Regulations made under the Armed Forces Commissioner Act 2025 (c. 23) ("the 2025 Act").

Regulation 3 brings into force on 2nd March 2026 the provisions of the 2025 Act which establish the office of the Armed Forces Commissioner ("the Commissioner").

Regulation 4 brings into force on 1st April 2026 provisions of the 2025 Act relating to the abolition of the office of the Service Complaints Ombudsman ("the Ombudsman") and commences the Commissioner's functions in relation to service complaints and general service welfare.

Regulation 5 makes transitional and saving provision in connection with the transfer of functions from the Ombudsman to the Commissioner.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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