STATUTORY INSTRUMENTS

2026 No. 24

DEFENCE

The Armed Forces Commissioner (Service Complaints Investigations) Regulations 2026

Made - - - -	*8th January 2026*
Laid before Parliament	*15th January 2026*
Coming into force - -	*1st April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 340H(4), (8) and (11), 340I(2) and (5), 340L(5) and (7) and 373(5) of the Armed Forces Act 2006(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Armed Forces Commissioner (Service Complaints Investigations) Regulations 2026.

(2) These Regulations come into force on 1st April 2026.

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

Interpretation

2.—(1) In these Regulations—

"the Act" means the Armed Forces Act 2006;

"the 2015 Ombudsman Regulations" means the Armed Forces (Service Complaints Ombudsman Investigations) Regulations 2015(**b**);

"the 2015 Service Complaints Regulations" means the Armed Forces (Service Complaints) Regulations 2015(**c**);

"the commencement date" means 1st April 2026;

"Commissioner" means the Armed Forces Commissioner;

"Ombudsman" means the Service Complaints Ombudsman;

(**a**) 2006 c. 52. Sections 340H, 340I and 340L were inserted by section 2(1) of the Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19). Section 340H(9) provides for the minimum period of time which must be specified in regulations made under section 340H(8). The Armed Forces Commissioner Act 2025 (c. 23) established the Armed Forces Commissioner, abolished the Service Complaints Ombudsman and transferred their functions to the Commissioner.
(**b**) S.I. 2015/1956, amended by S.I. 2022/496.
(**c**) S.I. 2015/1955, amended by S.I. 2022/494.

"relevant service matter" has the same meaning as in section 340H(3).

(2) In these Regulations, unless otherwise specified, a reference to a section is a reference to that section of the Act.

(3) The actions specified in paragraph (4) must be carried out by posting or sending electronically to the intended recipient.

(4) The actions specified in this paragraph are—

(a) the complainant making an application to the Commissioner referred to in regulation 3(1);

(b) the Commissioner notifying the complainant and the Defence Council under regulation 5(1);

(c) the Commissioner sending a copy of an application to the Defence Council under regulation 5(3);

(d) the Commissioner notifying the complainant and the Defence Council under regulation 5(4) or 6(3);

(e) the complainant notifying the Commissioner under regulation 6(1);

(f) the Commissioner sending a copy of a notification to the Defence Council under regulation 6(2)(a);

(g) the Commissioner sending a copy of a draft report under regulation 9(1) or a copy of a report under regulation 9(4);

(h) the Commissioner sending a certificate to a person under regulation 9(5).

(5) In any provision of these Regulations which applies to an investigation or requested investigation within section 340H(1)(d), a reference to "the complainant" includes a reference to the person who raised the relevant service matter to which the investigation or requested investigation relates.

Provision of information in application to the Commissioner

3.—(1) This regulation applies if a complainant makes an application to the Commissioner under section 340H.

(2) If the application asks for an investigation within section 340H(1)(a), it must state—

(a) those aspects which the complainant disagrees with of a decision under regulation 9(2) (decisions on a service complaint), of a determination of an appeal under regulation 13(2) (determination of appeals), or of a decision for the purposes of regulation 15 (procedure with respect to reconsiderations) of the 2015 Service Complaints Regulations;

(b) their reasons for disagreeing; and

(c) the redress which the complainant considers would be appropriate.

(3) If the application asks for an investigation within section 340H(1)(b), it must state—

(a) the maladministration (including any undue delay) which the complainant alleges occurred in connection with the handling of the complainant's service complaint;

(b) any injustice which the complainant considers they have or may have suffered as a result of the alleged maladministration; and

(c) the facts by reference to which maladministration within sub-paragraph (a) and any resulting injustice within sub-paragraph (b) are alleged to have occurred.

(4) If the application asks for an investigation within section 340H(1)(c) or (d), it must state—

(a) the undue delay which the complainant alleges occurred in connection with the handling of the complainant's service complaint or, as the case may be, the relevant service matter;

(b) any injustice which the complainant considers they have or may have suffered as a result of the alleged undue delay; and

(c) the facts by reference to which undue delay within sub-paragraph (a) and any resulting injustice within sub-paragraph (b) are alleged to have occurred.

(5) If the application asks for an investigation within section 340H(1)(a) or (b), the complainant must attach to the application a copy of any related decision under regulation 9(2) (decisions on a service complaint), of any related determination of the appeal under regulation 13(2) (determination of appeals), or of any related decision for the purposes of regulation 15 (procedure with respect to reconsiderations) of the 2015 Service Complaints Regulations.

(6) The application must state the date on which it is made.

(7) If the application is not made within the period specified in regulation 4(1), it must state the reason why.

(8) The application shall be deemed to have been made on the day on which the application was posted or sent electronically to the Commissioner.

Time limits: applications to the Commissioner

4.—(1) Subject to paragraph (3), an application to the Commissioner which asks for an investigation within section 340H(1)(a) or (b) may not be made after a period of six weeks beginning with the relevant date.

(2) For the purposes of paragraph (1) "the relevant date" is—

(a) where the complainant brings an appeal under regulation 10 of the 2015 Service Complaints Regulations and the appeal has been determined, the date on which the complainant received notification of the determination of the appeal;

(b) where—

(i) the complainant brings an appeal under regulation 10 of the 2015 Service Complaints Regulations,

(ii) the Defence Council decides that the appeal cannot be proceeded with because (and only because) it was not brought on a valid ground, and

(iii) the complainant does not apply for a review by the Commissioner of that decision,

the date on which the complainant received notification from the Defence Council that the appeal cannot be proceeded with because it was not brought on a valid ground;

(c) where—

(i) the complainant brings an appeal under regulation 10 of the 2015 Service Complaints Regulations,

(ii) the Defence Council decides that the appeal cannot be proceeded with because (and only because) it was not brought on a valid ground,

(iii) the complainant applies for a review by the Commissioner of that decision, and

(iv) on such a review, the decision mentioned in paragraph (ii) is upheld by the Commissioner,

the date on which the complainant received notification from the Commissioner that the appeal cannot be proceeded with because it was not brought on a valid ground;

(d) where the complainant does not have grounds (of which the complainant is aware) on which they are entitled to bring an appeal against the decision, the date on which the complainant received notification of the decision on the service complaint.

(3) An application may be made after the end of the period stated in paragraph (1), if the Commissioner considers that it is just and equitable to allow this.

(4) In this regulation, the reference to the day on which the complainant received notification shall be deemed to be a reference to the second day after the day on which the notification was posted or sent electronically to the complainant.

Action following application or decision to investigate under section 340H(7)

5.—(1) In response to an application under section 340H(1), the Commissioner must decide under section 340I(1) whether to begin an investigation, and then notify the complainant and the Defence Council of their decision, giving reasons for the decision.

(2) If the Commissioner decides to begin an investigation, despite the application under section 340H(1) having been made after the end of the period stated in regulation 4(1), the Commissioner must explain in their decision the reasons why the Commissioner considers it just and equitable to do so.

(3) If the Commissioner decides to begin an investigation, they must send a copy of the application to the Defence Council.

(4) If the Commissioner decides to investigate any maladministration which becomes apparent to the Commissioner in accordance with section 340H(7), they must notify the complainant and the Defence Council of that decision, giving reasons for the decision.

Notice of wish to withdraw application

6.—(1) The complainant may notify the Commissioner in writing that they wish to withdraw their application at any time before the completion by the Commissioner of the investigation in relation to that application.

(2) After receipt of a notification under paragraph (1), the Commissioner must—

(a) send a copy of the notification to the Defence Council; and

(b) decide, having regard to that notification, whether to begin, continue or discontinue the investigation.

(3) The Commissioner must notify the complainant and the Defence Council of their decision under paragraph (2)(b), giving reasons for the decision.

Requirements for information, documents and evidence

7. Where under section 340J the Commissioner requires a person to provide a document or other information for the purposes of an investigation, the Commissioner may—

(a) require the document or the information to be provided within such period as they consider reasonable;

(b) specify the form or manner in which the document or the information must be provided;

(c) if the document or information is not provided within the period referred to in paragraph (a), or is not provided in accordance with paragraph (b), nonetheless complete the investigation and the preparation of a report under section 340L(1).

Investigation procedure

8.—(1) The Commissioner must give—

(a) the Defence Council,

(b) any person alleged by the complainant in their application under section 340H(1) to have been responsible for maladministration (including any undue delay) in connection with the handling of the service complaint,

(c) any person who the Commissioner considers is a subject of the service complaint,

(d) any person who the Commissioner considers is likely to be the subject of criticism in relation to that person's character or professional reputation in the findings or recommendations in the Commissioner's report under section 340L(1),

an opportunity to comment on any relevant matter.

(2) If the Commissioner decides to hold an oral hearing for the purposes of an investigation, the oral hearing must be conducted in private, unless the Commissioner considers that it is necessary to hold all or part of the hearing in public.

(3) If the Commissioner decides to hold an oral hearing in public, the Commissioner may impose such restrictions on attendance at, or the reporting of, that hearing as they consider reasonable.

(4) The Commissioner may decide that a person may be represented, including by a legally-qualified person, at a hearing, if the Commissioner considers that is—

(a) necessary for the fair determination of the investigation; or

(b) necessary to protect the rights or interests of any person.

(5) The Commissioner may pay to any person who attends a hearing to give evidence or supplies a document or information for the purposes of an investigation—

(a) such sums as the Commissioner may determine in respect of expenses properly incurred by the person (excluding any legal expenses or fees); and

(b) such allowances as the Commissioner may determine by way of compensation for the loss of the person's time.

(6) In paragraph (1), "relevant matter" means—

(a) any allegation contained in the application by the complainant under section 340H(1); and

(b) any possible maladministration which the Commissioner investigates under section 340H(7).

Reports of investigation: preparation and confidentiality

9.—(1) The Commissioner may send a copy of a draft of their report under section 340L(1) on an investigation to the complainant and any person within regulation 8(1)(a) to (d).

(2) If the Commissioner receives any comment from such a person on the draft report, they may refer to those comments in the final report and state in that report their response to those comments.

(3) Clerical mistakes in the report and errors arising in the report from an accidental slip or omission may be corrected by the Commissioner by certificate under their hand.

(4) The Commissioner must send a copy of the report to—

(a) the subject, if any, of the service complaint; and

(b) any person who is, in the opinion of the Commissioner, the subject of criticism in the report's findings or recommendations in relation to that person's character or professional reputation(**a**).

(5) The Commissioner must send any certificate under paragraph (3) to the Defence Council, the complainant and any person to whom a copy of the report must be sent under paragraph (4).

(6) Where the Commissioner sends a copy of the report or a draft of the report to any person (whether under a duty to do so or not), the Commissioner may impose any obligation of confidentiality on that person which the Commissioner considers appropriate and lawful in the circumstances.

(7) For the purposes of paragraph (6), the grounds on which the Commissioner may decide that an obligation of confidentiality is appropriate include the ground that disclosure would be—

(a) against the interests of national security; or

(b) might jeopardise the safety of any person.

Subsequent applications to the Commissioner

10.—(1) The Commissioner may investigate under section 340H(1)(a) or (b) a subsequent application relating to a service complaint where, and to the extent that, they are satisfied that the subsequent application relates to a reconsideration of the complaint under section 340M(2).

(2) Subject to paragraph (3), an application to the Commissioner under paragraph (1) may not be made after a period of six weeks beginning with the day on which the complainant received notification, in accordance with regulation 15 (procedure with respect to reconsiderations) of the 2015 Service Complaints Regulations, of a decision referred to in section 340M(5)(b).

(3) An application may be made after the end of the period stated in paragraph (2), if the Commissioner considers that it is just and equitable to allow this.

(4) In this regulation, the reference to the day on which the complainant received notification shall be deemed to be a reference to the second day after the day on which the notification was posted or sent electronically to the complainant.

Savings and transitional provisions

11.—(1) Any act, omission or other thing 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 under the 2015 Ombudsman Regulations, 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.

(2) Any right, liability or obligation arising from anything done by or in relation to the Ombudsman for the purposes of, or in connection with, the 2015 Ombudsman Regulations (including any obligation of confidentiality imposed under regulation 9(6) of the 2015 Ombudsman Regulations) continues on and after the commencement date as if arising from the corresponding act of the Commissioner.

(3) Where, before the commencement date, by virtue of regulation 3(8) of the 2015 Ombudsman Regulations, an application under section 340H of the Act was to be treated as made on a particular day, it is to be treated for the purposes of these Regulations as made on that day, as if the references in regulation 3(8) of the 2015 Ombudsman Regulations to the Ombudsman were to the Commissioner.

(**a**) Section 340L(5) requires the Commissioner to send the report also to the complainant and the Defence Council.

(4) Where, before the commencement date, by virtue of regulation 4(3) or 10(4) of the 2015 Ombudsman Regulations, a notification was to be treated as received on a particular day, it is to be treated for the purposes of these Regulations as received on that day, as if references in regulation 4(3) or 10(3) of the 2015 Ombudsman Regulations to the Ombudsman were to the Commissioner.

(5) Where a period specified in regulation 4(1) or 10(2) of the 2015 Ombudsman Regulations has begun but not expired before the commencement date, that period continues to run on and after that date as if the reference to the Ombudsman in those regulations were to the Commissioner.

(6) Where a period specified in regulation 4(1) or 10(2) of the 2015 Ombudsman Regulations has expired before the commencement date, an application may be made after the commencement date under section 340H(1)(a) or (b), or regulation 10(1) of these Regulations, if the Commissioner considers that it is just and equitable to do so.

Amendment of the Armed Forces (Service Complaints and Financial Assistance) Act 2015 (Transitional and Savings Provisions) Regulations 2015

12.—(1) The Armed Forces (Service Complaints and Financial Assistance) Act 2015 (Transitional and Savings Provisions) Regulations 2015(**a**) are amended as follows.

(2) In regulation 5(10), for the Armed Forces (Service Complaints Ombudsman Investigations) Regulations 2015" substitute "the Armed Forces Commissioner (Service Complaints) Regulations 2026".

(3) In regulation 13(4), for "the Armed Forces (Service Complaints Ombudsman Investigations) Regulations 2015 (time limits for making an application to the Ombudsman)" substitute "the Armed Forces Commissioner (Service Complaints) Regulations 2026 (time limits for making an application to the Commissioner)".

Revocation of the 2015 Ombudsman Regulations and the Armed Forces (Service Complaints Ombudsman Investigations) (Amendment) Regulations 2022

13. The 2015 Ombudsman Regulations and the Armed Forces (Service Complaints Ombudsman Investigations) (Amendment) Regulations 2022(**b**) are revoked.

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

8th January 2026

(**a**) S.I. 2015/1969.
(**b**) S.I. 2022/496.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Armed Forces Commissioner Act 2025 (c. 23) ("AFCA 25") amended the Armed Forces Act 2006 (c. 52) ("AFA 06") to introduce a new office of Armed Forces Commissioner. The Armed Forces Commissioner will also exercise the functions of the Service Complaints Ombudsman and the AFCA 25 accordingly abolishes this office.

Under section 340A(1) and (2) of the Armed Forces Act 2006 ("the Act") a person subject to service law, or who has ceased to be subject to service law, who thinks themselves wronged in any matter relating to their service, may make a service complaint about the matter. Under section 340H(1) of the Act the complainant may apply to the Armed Forces Commissioner ("the Commissioner") to investigate their complaint or related maladministration.

These Regulations revoke and re-enact the Armed Forces (Service Complaints Ombudsman Investigations) Regulations 2015 (S.I. 2015/1956) and the Armed Forces (Service Complaints Ombudsman Investigations) (Amendment) Regulations 2022 (S.I. 2022/496) and make provision about the Commissioner service complaint investigations, including the procedure to be followed.

Regulation 3 specifies the information required in an application by a complainant to the Commissioner.

The period for a complainant to make an application to the Commissioner is specified in regulation 4, including the circumstances in which the Commissioner may accept an application after the end of the period.

Regulation 5 requires the Commissioner to decide whether to begin an investigation and to notify specified persons of their decision. Where the Commissioner decides to investigate further maladministration in accordance with section 340H(7) of the Act, they must provide written reasons for that decision to the complainant and the Defence Council.

If the complainant notifies the Commissioner of their wish to withdraw an application the Commissioner must send a copy of the notification to the Defence Council and decide, in the light of the notification, whether to begin, continue or discontinue the investigation (regulation 6).

Regulation 7 empowers the Commissioner to request information and documents for the purposes of an investigation and to continue with the investigation even if they are not provided as requested.

Regulation 8(1) requires the Commissioner to give specified persons an opportunity to comment on matters which are the subject of an investigation. Regulation 8 also provides for oral hearings, with where the Commissioner may permit representation, and for the payment of expenses and allowances.

The Commissioner may, under regulation 9(1), send a copy of a draft report to the complainant and to persons specified in regulation 8(1), and may refer in the final report to any comments received. Regulation 9(4) states the persons to whom the Commissioner must send a copy of the final report (in addition to the complainant and the Defence Council, who must receive a copy under section 340L(5) of the Act). Regulation 9 also empowers the Commissioner to impose duties of confidentiality on those provided with a copy of a draft, or the final, report.

Regulation 10 enables the Commissioner to investigate a subsequent application relating to a complaint, where that application relates to a reconsideration of the complaint following a decision by the Commissioner.

Regulations 11 and 12 make savings and transitional provisions and consequential amendments in connection with the transfer of functions from the Service Complaints Ombudsman to the Armed Forces Commissioner and the revocation of S.I. 2015/1956 and S.I. 2022/496.

Regulation 13 revokes S.I. 2015/1956 and S.I. 2022/496, which are replaced by these Regulations.

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.

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-827848-4

£8.90

http://www.legislation.gov.uk/id/uksi/2026/24