EXPLANATORY MEMORANDUM TO

THE ARMED FORCES (SERVICE COMPLAINTS) (AMENDMENT) (NO. 2) REGULATIONS 2026

2026 No. 1068

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Calvin Bailey, Parliamentary Under-Secretary (Minister for Veterans and People) at the Ministry of Defence confirms that this Explanatory Memorandum meets the required standard.

2.2 Samantha des Forges, SCS, Director of Conduct, Justice and Legislation Directorate, at the Ministry of Defence confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Kelly McClarey at the Ministry of Defence can be contacted with any queries regarding the instrument by email at: people-cej-afc@mod.gov.uk. Alternatively, the department can be contacted by telephone on +44 303378 2039.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations amend the Armed Forces (Service Complaints) Regulations 2015 (S.I. 2015/1955) ("the 2015 Regulations").

4.2 Regulation 2 amends the 2015 Regulations to replace references to "specified officer" with references to "specified person" and makes related amendments to references to officers, persons and complainants throughout the Regulations. This amendment is made as a consequence of changes to section 340B of the Armed Forces Act 2006 ("the 2006 Act") introduced by the Armed Forces Commissioner Act 2025 ("the 2025 Act").

4.3 Regulation 3 makes transitional arrangements for service complaints submitted before 3 November 2026. Where a service complaint has already been received by a specified officer, it will continue to be dealt with by the specified person under the amended regime. Similarly, where a specified officer has already decided that a service complaint is not admissible, that decision will be treated as a decision of the specified person for the purposes of any review by the Armed Forces Commissioner.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom, the Isle of Man and the British Overseas Territories except Gibraltar.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom, the Isle of Man and the British Overseas Territories except Gibraltar.

5. Policy Context

What is being done and why?

5.1.1 The 2025 Act amended section 340B of the 2006 Act, which enables regulations to prescribe the procedure for making service complaints. Following that amendment, a service complaint must be made to a person of a specified description, rather than an officer, who must also determine whether the complaint is admissible. The change clarified that the role may be performed by either civilian or military personnel. These Regulations make corresponding amendments to the 2015 Regulations, ensuring that the primary and secondary legislation use consistent terminology.

5.1.2 The change allows a wider range of suitably qualified individuals to perform the relevant functions, providing greater flexibility and supporting the efficient operation of the service complaints system. The functions and associated responsibilities remain unchanged.

What was the previous policy, how is this different?

5.2 Under the 2015 Regulations, certain functions within the service complaints system could only be carried out by a "specified officer". The interpretation of “officer” in this context was a military officer. The amendments clarify that civilians may also perform those functions.

5.3 These Regulations enable a broader range of suitably qualified individuals to perform those functions, without changing those functions or the associated responsibilities.

6. Legislative and Legal Context

How has the law changed?

6.1 The 2025 Act amended the 2006 Act to support reforms to the service complaints system, including allowing functions previously exercisable only by a specified officer to be exercised by a specified person.

6.2 The purpose of this instrument is to make consequential changes to the secondary legislation in light of the amendment made to s.340B of the 2006 Act by the 2025 Act.

6.3 These Regulations come into force on the same day as section 3 of the Armed Forces Commissioner Act 2025, which amends section 340B of the 2006 Act by replacing references to an "officer" of a specified description with a "person" of a specified description. The Regulations rely on section 13 of the Interpretation Act 1978, which permits the exercise of powers necessary or expedient for giving full effect to an Act before the amendments to those powers have been commenced. This enables the consequential amendments made by this instrument to be made so that they take effect at the same time as the amendment to section 340B, ensuring consistency between the primary and secondary legislation.

6.4 The instrument also includes transitional provisions to ensure continuity for service complaints that are already in the system when the amendments come into force.

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation was undertaken in relation to this instrument. The amendments are considered minor and technical in nature. They update terminology used throughout the service complaints system and ensure that the 2015 Regulations remain consistent with the primary legislation.

8. Applicable Guidance

8.1 JSP 831 (Redress of Individual Grievances: Service Complaints) will be updated to reflect the amendments made by this instrument, including replacing references to "specified officer" with "specified person".

8.2

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no significant impact on business, charities or voluntary bodies.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the effect of this instrument is to ensure that the service complaints system can continue to operate as intended for the benefit of its users.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant impact on the public sector because the effect of this instrument is to ensure that the service complaints system can continue to operate as intended for the benefit of its users.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that these provisions are subject to continued monitoring and review.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").