Draft Regulations laid before Parliament under section 373(3) of the Armed Forces Act 2006 and section 42(2) of the Employment Relations Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. ****

DEFENCE

The Armed Forces Commissioner (Family Definition, and Consequential and Transitional Provision etc.) Regulations 2026

Made - - - -	***
Coming into force - -	*1st April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 340A(4), 340IA(4), 340N(4) and 373(5) of the Armed Forces Act 2006(**a**) and section 19(1) and 19(3)(h) of the Employment Relations Act 1999(**b**).

In accordance with section 373(3) of the Armed Forces Act 2006(**c**) and section 42(2) of the Employment Relations Act 1999, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Armed Forces Commissioner (Family Definition, and Consequential and Transitional Provision etc.) Regulations 2026.

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

(3) These Regulations, except for regulation 4, extend to England and Wales, Scotland and Northern Ireland.

(4) Regulation 4 extends to England and Wales and Scotland.

Interpretation

2. For the purposes of these Regulations—

"the 2006 Act" means the Armed Forces Act 2006;

(**a**) 2006 c. 52. Sections 340A and 340N were inserted by section 2(1) of the Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19). Section 340IA was inserted by section 4(2) of the Armed Forces Commissioner Act 2025 (c. 23). Section 373(5) was amended by section 15(4) of the Armed Forces Act 2021 (c. 35).

(**b**) 1999 c. 26.

(**c**) Section 373(3)(d) was amended by section 3 of, and paragraphs 9 and 10(b) of the Schedule to, the Armed Forces (Service Complaints and Financial Assistance) Act 2015 (c. 19). Section 373(3)(eba) was inserted by section 4(5) of the Armed Forces Commissioner Act 2025 (c. 23).

"the 2000 Regulations" means the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000(**a**);

"the 2015 Regulations" means the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015(**b**);

"the commencement date" means 1st April 2026;

"the Commissioner" means the Armed Forces Commissioner;

"the Ombudsman" means the Service Complaints Ombudsman.

Relevant family members

3.—(1) A person is a "relevant family member" for the purposes of section 340IA of the 2006 Act(**c**) where, in relation to a person subject to service law (A), the person is any of the following—

(a) A's spouse or civil partner;

(b) a child of A or of A's spouse or civil partner;

(c) a person whose child is A;

(d) a brother or sister, or step-brother or step-sister of A;

(e) a relative of A or of A's spouse or civil partner where the relative is one of the following—

(i) a member of A's household,

(ii) wholly or mainly financially dependant on A or A's spouse or civil partner, or

(iii) someone for whom A or A's spouse or civil partner has assumed regular and substantial caring responsibilities;

(f) where A is deceased, anyone who was a relevant family member of A under sub-paragraphs (a) to (e) immediately before A's death.

(2) In this regulation—

"child" means a person (C) who meets one or more of the following conditions in relation to another person (P)—

(a) P is the parent or step-parent of C;

(b) P has, or would have if domiciled in England and Wales, parental responsibility for C within the meaning of section 3 of the Children Act 1989(**d**);

(c) P had, or would have had if domiciled in England and Wales, parental responsibility for C within the meaning of section 3 of the Children Act 1989;

(d) C, while under the age of 18 years, is or was—

(i) wholly or mainly financially dependent on P, or

(ii) someone for whom P has or had assumed regular and substantial caring responsibilities.

"relative" in relation to A or A's spouse or civil partner, means any of the following—

(**a**) S.I. 2000/1551. Regulation 13(4) was substituted by section 10(10) of, and paragraph 5 of Schedule 3 to, the Armed Forces Act 2021 (c. 35); there are other amending instruments but none is relevant.

(**b**) S.I. 2015/2064, to which there are amendments not relevant to these Regulations.

(**c**) Section 365AA was inserted by section 1(1) of the Armed Forces Commissioner Act 2025 (c. 23). See section 340IA(9) of the Armed Forces Act 2006 for the meaning of "specified".

(**d**) 1989 c. 41.

(a) a parent or step-parent of A's spouse or civil partner;

(b) a grandparent, step-grandparent, great-grandparent, step-great-grandparent, grandchild, step-grandchild, great-grandchild or step-great-grandchild of A or of A's spouse or civil partner;

(c) the brother, sister, step-brother or step-sister of A's spouse or civil partner;

(d) the uncle, great-uncle, aunt, great-aunt, niece, great-niece, nephew, great-nephew or first cousin (including by marriage or civil partnership) of A or of A's spouse or civil partner.

(3) For the purposes of this Regulation, references to A's spouse or civil partner includes—

(a) a person whose relationship with A is akin to a relationship between spouses or civil partners;

(b) a former spouse or civil partner of A;

(c) a person whose relationship with A was formerly akin to a relationship between spouses or civil partners.

(4) For the purposes of paragraph (1)(e), references to a person being a member of A's household includes references to a person who would be living in the same household as A but for the fact that A is temporarily living at another address for service reasons.

Amendment of the 2000 Regulations

4.—(1) The 2000 Regulations are amended as follows.

(2) In regulation 13(4)(c) (Armed Forces)—

(a) in paragraph (i), for "Service Complaints Ombudsman" substitute "Armed Forces Commissioner";

(b) in paragraph (ii), for "Ombudsman" substitute "Commissioner".

Amendment of the 2015 Regulations

5.—(1) The 2015 Regulations are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) insert in the appropriate place—

""Commissioner" means the Armed Forces Commissioner;";

(b) omit the definition of "Ombudsman".

(3) In each place it occurs, including the heading of regulation 6, for "Ombudsman" substitute "Commissioner".

Transitional and savings provision relating to the 2000 Regulations

6.—(1) Any application made to the Ombudsman before the commencement date by virtue of regulation 12 (review of a decision not to proceed with an appeal) of the Armed Forces (Service Complaints) Regulations 2015(**a**) is, for the purposes of regulation 13(4)(c) of the 2000 Regulations, to be treated as an application for a review to the Commissioner.

(2) Any decision made by the Ombudsman before the commencement date in relation to an application in paragraph (1) is, for the purposes of regulation 13(4)(c)(ii) of the 2000 Regulations, to be treated as a decision of the Commissioner.

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

(3) The amendments made by these Regulations to regulation 13(4)(c) of the 2000 Regulations do not affect proceedings brought under the 2000 Regulations before the commencement date.

Transitional and savings provision relating to the 2015 Regulations

7.—(1) Regulation 3(2)(f) and (g) (excluded complaints) of the 2015 Regulations continue to have effect on and after the commencement date in relation to—

(a) a decision made by the Ombudsman for the purposes of any provision of Part 14A of the 2006 Act before the commencement date;

(b) the handling by the Ombudsman of a service complaint before the commencement date.

(2) Regulation 6 of the 2015 Regulations (notifications to the Ombudsman) continues to have effect on and after the commencement date in relation to a communication which was referred by the Ombudsman before that date as if the first reference in that regulation to the Commissioner were a reference to the Ombudsman.

NAME
Parliamentary Under Secretary of State
Ministry of Defence

DATE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with the Armed Forces Commissioner Act 2025 (c. 23) ("AFCA 25"). The AFCA 25 amended the Armed Forces Act 2006 (c. 52) ("AFA 06") to establish 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.

Regulation 3 specifies those persons who are relevant family members of persons subject to service law for the purposes of section 365AA and section 340IA of the AFA 06, as inserted by the AFCA 25.

Regulations 4 and 5 make consequential amendments to regulations in connection with the transfer of functions from the Service Complaints Ombudsman to the Armed Forces Commissioner.

Regulations 6 and 7 make transitional and savings provisions in connection with the transfer of functions from the Service Complaints Ombudsman to the Armed Forces 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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