



Armed Forces Act 2006

2006 CHAPTER 52

[^{F1}PART 14A

REDRESS OF SERVICE COMPLAINTS

[^{F1}Service complaints

Textual Amendments

- F1** Pt. 14A inserted (1.1.2016) by [Armed Forces \(Service Complaints and Financial Assistance\) Act 2015 \(c. 19\)](#), **ss. 2(1), 7(1)**; S.I. 2015/1957, reg. 2 (with savings and transitional provisions in S.I. 2015/1969)

340A Who can make a service complaint?

- (1) If a person subject to service law thinks himself or herself wronged in any matter relating to his or her service, the person may make a complaint about the matter.
- (2) If a person who has ceased to be subject to service law thinks himself or herself wronged in any matter relating to his or her service which occurred while he or she was so subject, the person may make a complaint about the matter.
- (3) In this Part, “service complaint” means a complaint made under subsection (1) or (2).
- (4) A person may not make a service complaint about a matter of a description specified in regulations made by the Secretary of State.

340B Procedure for making a complaint and determining admissibility

- (1) The Defence Council may make regulations (referred to in this Part as “service complaints regulations”) about the procedure for making and dealing with a service complaint.
- (2) Service complaints regulations must make provision—

Status: Point in time view as at 01/01/2016.

Changes to legislation: *Armed Forces Act 2006, Cross Heading: Service complaints is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) for a service complaint to be made to an officer of a specified description;
- (b) about the way in which a service complaint is to be made (including about the information to be provided by the complainant);
- (c) that a service complaint may not be made, except in specified circumstances, after the end of the specified period.

“Specified” means specified in the regulations.

- (3) The period referred to in subsection (2)(c) must be at least three months beginning with the day on which the matter complained of occurred.
- (4) Service complaints regulations must make provision—
 - (a) for the officer to whom a service complaint is made to decide whether the complaint is admissible and to notify the complainant of that decision;
 - (b) for the Service Complaints Ombudsman, on an application by the complainant, to review a decision by the officer to whom a service complaint is made that the complaint is not admissible;
 - (c) for securing that the Ombudsman's decision in relation to admissibility, on such a review, is binding on the complainant and the officer to whom the complaint was made.
- (5) For the purposes of subsection (4), a service complaint is not admissible if—
 - (a) the complaint is about a matter of a description specified in regulations made under section 340A(4),
 - (b) the complaint is made after the end of the period referred to in subsection (2)(c) and the case is not one in which circumstances referred to in that provision apply, or
 - (c) the complaint is not admissible on any other ground specified in service complaints regulations.
- (6) Nothing in this Part with respect to the provision that must or may be made by service complaints regulations is to be taken as limiting the generality of subsection (1).]

Status:

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