
STATUTORY INSTRUMENTS

2015 No. 1969

**The Armed Forces (Service Complaints and
Financial Assistance) Act 2015 (Transitional
and Savings Provisions) Regulations 2015**

PART 3

Pre-commencement complaints: application of the new complaints provisions

Application of the new complaints provisions to Part 3 complaints

7.—(1) Paragraphs (2) to (14) make provision about the application of the new complaints provisions to a Part 3 complaint.

(2) The statement of complaint delivered under old regulation 6 is to be treated as if it were a statement of complaint made under new regulation 4.

(3) Where an officer has been appointed under regulation 3(b) of the old regulations as the prescribed officer, the appointment has effect as an appointment of the specified officer under new regulation 3(1)(b).

(4) Where an officer has been appointed under regulation 5 of the old regulations as the prescribed officer, the appointment has effect as an appointment of the specified officer under new regulation 3(3).

(5) Old regulations 14 to 18 apply instead of new regulation 6 (period for making a service complaint), with a reference in those regulations to a prescribed officer treated as a reference to the specified officer.

(6) The reference in section 340B(5) (whether a service complaint is not admissible) to regulations under section 340A(4) is to be treated as if it were a reference to regulations made under section 334(2).

(7) New regulation 11 (time limit for appealing against a decision) applies as if, for paragraph (1), there were substituted—

“(1) An appeal under regulation 10(1) against a decision under regulation 9(2)(a) or (b) may be proceeded with if—

(a) the appeal is brought—

(i) within the period of six weeks beginning with the day on which the complainant received notification under regulation 9(3) of that decision; or

(ii) within the period of three months beginning with the day on which the matter complained of occurred, or where the matter occurred over a period of time, the day at the end of the period; or

(b) the appeal is brought after the end of both of the periods mentioned in subparagraph (a) but the Defence Council consider it is just and equitable to permit the appeal to be proceeded with.”

(8) In the event that the draft Regulations are made, regulation 5(2) of those Regulations (allegations in relation to which independent persons must be appointed) applies as if, for sub-paragraphs (a) to (f), there were substituted sub-paragraphs (a) to (g) of regulation 9(1) of the Armed Forces (Redress of Individual Grievances) Regulations 2007(1) except that for the purposes of this paragraph—

- (a) “alleges” is omitted from sub-paragraphs (a) to (f); and
- (b) in sub-paragraph (g)—
 - (i) “concerns” is omitted; and
 - (ii) “improper” is inserted between “the” and “exercise”.

(9) Paragraphs (10) to (13) apply to a Part 3 complaint made following a referral by the Service Complaints Commissioner to the relevant officer under section 338(2).

(10) The Armed Forces (Service Complaints Commissioner) Regulations 2007 (“the 2007 Regulations”) continue to have effect for the purpose of making a notification under regulation 3 of those Regulations of an event that happened before the commencement date.

(11) In its application by virtue of paragraph (10), regulation 3 of the 2007 Regulations applies as if the reference to notifying the Commissioner were to notifying the Service Complaints Ombudsman.

(12) In the event that the draft Regulations are made, regulation 6 of those Regulations applies in relation to an occurrence of an event mentioned in that regulation that happens on or after the commencement date as if the complaint had been made following a referral by the Ombudsman to the appropriate officer under section 340N(1).

(13) In the event that the draft Regulations are made, in its application by virtue of paragraph (12), regulation 6 of those Regulations applies as if the requirement to notify imposed on the appropriate officer were a requirement to notify imposed on the relevant officer.

(14) In this regulation, “the draft Regulations” means the Armed Forces (Service Complaints Miscellaneous Provisions) Regulations 2015(2) laid in draft before Parliament under section 373(3) on 28th October 2015 for approval by resolution of each House of Parliament.

(1) [S.I. 2007/3353](#).

(2) ISBN 9780111140222. The draft Regulations are printed and published by The Stationery Office. They are available on [legislation.gov.uk](http://www.legislation.gov.uk) (link: http://www.legislation.gov.uk/ukdsi/2015/9780111140222/pdfs/ukdsi_9780111140222_en.pdf) or may be purchased from booksellers which sell draft statutory instruments.