
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

Part 3 complaint where a first substantive decision has been notified, an application for referral has been made and the prescribed or superior officer has agreed to make the referral

12.—(1) Paragraphs (4) and (5) apply in relation to a Part 3 complaint if, immediately before the commencement date, condition A or B is satisfied.

(2) Condition A is that—

- (a) the prescribed officer has made a first substantive decision;
- (b) he or she has notified the complainant of that decision;
- (c) the complainant has applied under old regulation 21(a) for the complaint to be referred to a superior authority;
- (d) the prescribed officer has agreed to refer the complaint to a superior officer or the Defence Council; and
- (e) the complainant has not been notified of the decision on the complaint by the superior officer or Defence Council (or a service complaint panel to which the Defence Council delegated the decision).

(3) Condition B is that—

- (a) the superior officer has made a first substantive decision;
- (b) he or she has notified the complainant of that decision;
- (c) the complainant has applied under old regulation 25(a) for the complaint to be referred to the Defence Council;
- (d) the superior officer has agreed to refer the complaint to the Defence Council; and
- (e) the complainant has not been notified of the decision on the complaint by the Defence Council (or a service complaint panel to which the Defence Council delegated the decision).

(4) The decision of the prescribed or superior officer mentioned at paragraph (2)(a) or (3)(a) is to be treated as if it were a decision of a person or panel of persons under new regulation 9(2), notified to the complainant under new regulation 9(3).

(5) The application made by the complainant under old regulation 21(a) or 25(a) is to be treated as if it were an appeal under new regulation 10(1) against the decision under new regulation 9(2), in relation to which the Defence Council—

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- (a) have decided, under new regulation 11, that the appeal can be proceeded with; and
- (b) must decide, under new regulation 13(1), who is to determine the appeal.