
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision under Part 16A of the Armed Forces Act 2006 (“the Act”) in relation to the armed forces covenant.

Sections 343AA, 343AB, 343AC and 343AD of the Act set out a duty to have due regard to the principles of the armed forces covenant in respect of England, Wales, Scotland and Northern Ireland respectively. The duty requires specified bodies listed in subsection (3) of each section which have functions in the fields of healthcare, education and housing to have due regard to those principles when exercising specified functions in those fields. Subsection (1) of each section defines the principles which are aimed at removing disadvantages for service people arising from service life, making special provision where justified.

Regulation 2 brings into effect statutory guidance laid in draft before Parliament on 20th July 2022 about the performance by the specified bodies listed in the Act of their duty. It provides that guidance issued by the Secretary of State under section 343AE(1) of the Act in relation to the duty, takes effect on the day on which these regulations come into force.

Regulation 3 prescribes those persons who are relevant family members of service members (or former service members) for the purposes of Part 16A of the Act. Relevant family members and service members are defined collectively as service people who are beneficiaries of the principles of the armed forces covenant.

An impact assessment relating to the Armed Forces Act 2021 which introduced the provisions relating to the armed forces covenant duty by way of amendment to Part 16A of the Act is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1020165/20210225-Covenant_Duty_EconIA_v10Aug21-FINAL1.pdf and in hard copy by writing to the Armed Forces Covenant Team, Ministry of Defence, Level 6 Zone A, MOD Main Building, Whitehall, London SW1A 2HB.