

2022 No. 1160

DEFENCE

The Armed Forces (Covenant) Regulations 2022

Made - - - - *8th November 2022*

Coming into force - - *22nd November 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 343AE(4) and 343B(4A) of the Armed Forces Act 2006^(a) (“the Act”).

The Secretary of State has consulted in accordance with sections 343AE(5) and 343B(4B) of the Act.

In accordance with section 373(3) of the Act a draft of this instrument was laid before and approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Armed Forces (Covenant) Regulations 2022 and come into force on the fourteenth day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland, Northern Ireland, the Isle of Man and the British overseas territories, except Gibraltar.

Guidance under section 343AE(1) of the Act

2. The guidance entitled “Statutory guidance on the Armed Forces Covenant Duty” issued by the Secretary of State under section 343AE(1) of the Act and laid in draft before Parliament on 20th July 2022, takes effect on the day on which these regulations come into force.

Relevant family members

3.—(1) A person is prescribed as a relevant family member for the purposes of section 343B of the Act where, in relation to a service member or former service member (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 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 dependent on A or A’s spouse or civil partner; or

^(a) 2006 c. 52. Sections 343AE, 343B(4A) and 343B(4B) were inserted by section 8 of the Armed Forces Act 2021 (c. 35).

- (iii) someone for whom A or A’s spouse or civil partner has assumed regular and substantial caring responsibilities;
 - (d) where A is deceased, anyone who was a relevant family member of A under subparagraphs (a) to (c) immediately before A’s death.
- (2) In this regulation—
- “child” means a person under the age of 18 years;
- “relative” in relation to A or A’s spouse or civil partner, means—
- (a) a parent, step-parent, son, daughter, stepson, stepdaughter, 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;
 - (b) the brother, sister, uncle, great-uncle, aunt, great-aunt, niece, great-niece, nephew, great-nephew or first cousin (whether of the full blood or of the half blood or by marriage or civil partnership) of A or of A’s spouse or civil partner; or
 - (c) any person who (no longer being a child) was the responsibility of A or A’s spouse or civil partner when they were a child.
- (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 or a person whose relationship with A was formerly akin to a relationship between spouses or civil partners.
- (4) For the purposes of this regulation, a person is a child of a person (P) if—
- (a) P is the parent of the person; or
 - (b) the person is the responsibility of P.
- (5) For the purposes of paragraph (1)(c), 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.
- (6) For the purposes of paragraphs (2)(c) and (4)(b), a child is the responsibility of A or A’s spouse or civil partner where—
- (a) A or A’s spouse or civil partner has parental responsibility for the child within the meaning of section 3 of the Children Act 1989(a); or
 - (b) the child is someone who otherwise meets the criteria in paragraphs (1)(c)(ii) and (iii).

Andrew Murrison
Parliamentary Under Secretary of State
Ministry of Defence

8th November 2022

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

(a) 1989 c. 41.

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.

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