

Research Briefing

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Armed Forces Bill 2024-26



Summary

- 1 The requirement for an Armed Forces Bill in 2026
- 2 Main provisions in the bill
- 3 Annex: How bills go through Parliament

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Summary

The [Armed Forces Bill](#) (bill 367 of session 2024–26) was introduced in the House of Commons on 15 January 2026. The bill is scheduled to have its second reading on 26 January 2026.

What is the purpose of the bill?

The primary purpose of the bill is to renew the Armed Forces Act 2006, which serves as the basis for military law and discipline in the UK armed forces, for a further five years.

The passage of a new armed forces bill also offers the opportunity to implement new government policies related to the armed forces, and to make changes to service justice that allow outdated provisions to be amended or removed and to introduce measures that have already been implemented in the civilian justice system.

What are the key measures in the bill?

Among other things, the bill will:

- Place the [Armed Forces Covenant](#) fully into law by extending the Armed Forces Covenant Duty to central government departments and the devolved administrations. It would also expand the issues to which these, and other public bodies, must have “due regard”.
- Create a Defence Housing Service (DHS) to implement the key recommendations of the [2025 Defence Housing Strategy](#). The DHS will be tasked with improving the supply and quality of defence housing, securing the regeneration or development of defence land and supporting service communities whose needs will be prioritised.
- Make changes to the reserve forces that will increase the recall liability of personnel in the Strategic Reserve up to the age of 65, harmonise the length of recall liability across all three services and enable the Secretary of State to issue call-out orders for the Strategic Reserve for ‘warlike operations’. Individuals will also be able to transfer between the regular and reserve forces more easily. The legislation provides for opt-outs to the new rules. Reforms are expected to come into force in spring 2027.

- Amalgamate the Reserves and Cadets Forces Associations into a single non-departmental public body.
- Make changes to the service justice system that will implement the government's [strategy on violence against women and girls](#), provide more support to victims and make the system more efficient and effective. One notable proposal is for guidance on the exercise of criminal jurisdiction that will allow the victim of a service offence that could be tried within either the military or civilian justice system (concurrent jurisdiction), to express a preference as to which jurisdiction that alleged offence should be tried in. During the passage of the [Armed Forces Act 2021](#), the issue of concurrent jurisdiction was the subject of much debate, with many members of the then opposition frontbench and members of the House of Lords criticising the legislation for not going far enough. The 2026 bill does not, however, propose measures that reflect the criticisms that were made at the time of the 2021 act's passage through Parliament.
- Make provision for a new defence authorisation scheme to lawfully permit armed forces personnel to use "approved equipment" to prevent or detect offences being committed using drones near military sites.

The bill also makes provision in relation to the [Visiting Forces Act 1952](#), the protection of military remains, extending the functions of the newly established Armed Forces Commissioner to the Royal Fleet Auxiliary, and changing how armed forces manpower numbers are authorised by, and reported to, Parliament.

1 The requirement for an Armed Forces Bill in 2026

The [Armed Forces Act 2006](#) (AFA 2006) provides the legal basis for the armed forces and the system of military law which exists in the UK.¹ It also provides for matters relating to the enlistment of military personnel, who have no contract of employment but instead owe a duty of allegiance to His Majesty the King. That obligation is described by the Ministry of Defence as essentially a duty to obey lawful orders.

Without the act, it would not be possible to maintain the system of military command, discipline and justice which is considered “fundamental to the operational effectiveness of our armed forces”.²

1.1 Renewal of the act every five years

A new armed forces bill is required every five years to ensure the 2006 act remains in force. In the intervening years, annual renewal of the act is by an [Order in Council](#), which is also approved by Parliament.

The last armed forces act received Royal Assent in 2021 and will expire at the end of 2026. A new armed forces act must therefore be passed by the end of the year.

1.2 Parliamentary procedure: An Armed Forces Bill Select Committee

Unlike most government bills (see [Annex: How bills go through Parliament](#)), armed forces bills have traditionally been committed to a [specially convened House of Commons select committee](#) after second reading, which sits only for the duration of the bill.

¹ In 2005, the government decided to overhaul the legislation relating to military and service discipline by consolidating and modernising all the previous Service Discipline Acts (the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957) and replace them with a single system of service law. This became the Armed Forces Act 2006 and repealed the previous service specific acts.

² [HC Delegated Legislation Committee](#), 14 September 2015, c4

The committee can take evidence, make visits, conduct line-by-line scrutiny of the bill, amend the bill's provisions, and submit a special report on their findings if it so wishes.³

The Commons Library briefing [What is the Armed Forces Act?](#) provides more detail.

³ The committees in 2006, 2011 and 2021 submitted Special Reports ([HC828-1](#) (PDF), 25 April 2006; [HC779](#), 8 March 2011 and [HC 1281](#), 22 April 2021) but the 2016 committee did not.

2 Main provisions in the bill

The [Armed Forces Bill](#) (bill 367 of session 2024–26) was introduced in the House of Commons on 15 January 2026. The bill will have its second reading on 26 January 2026.

This chapter examines the main purposes of the bill. In line with convention (see above), clause 1 of the bill provides for the legislation to remain in force for five years, to the end of 2031, with annual renewal in the intervening years by an Order in Council.

2.1 Placing the Armed Forces Covenant ‘fully into law’

What is the Armed Forces Covenant?

The Armed Forces Covenant is a statement of the moral obligation which exists between the nation, the government and the armed forces. It was published in May 2011 and its core principles were enshrined in law, for the first time, in the Armed Forces Act 2011.⁴

There are three core principles underpinning the covenant:⁵

- societal recognition of the unique obligations of, and sacrifices made by, the armed forces
- service personnel, their families and veterans should face no disadvantage, because of their service, when accessing public and commercial services
- special consideration is appropriate in some cases, especially for those who are injured or bereaved

The covenant does not, however, confer any legal rights on an individual. Nor does it mean that individuals within the armed forces community are entitled to identical levels of support.

The government is statutorily obliged to produce an [annual report to Parliament on the functioning of the covenant](#), with specific reference to

⁴ [Armed Forces Act 2011 clause 2](#) (inserted new paragraph 343A into the Armed Forces Act 2006)

⁵ Ministry of Defence, [The Armed Forces Covenant](#) (PDF)

healthcare, housing and education. The [Armed Forces Covenant Annual Report for 2025](#) was published on 16 December 2025.

Changes in the 2021 Armed Forces Act

The Armed Forces Act 2021 introduced a new requirement for some public bodies, including the NHS and local authorities, to pay ‘due regard’ to the principles of the Armed Forces Covenant when carrying out specific public functions in the areas of housing, healthcare and education. [Statutory guidance](#) was subsequently laid down in secondary legislation: [The Armed Forces \(Covenant\) Regulations 2022](#).

During the passage of the Armed Forces Act 2021, the Conservative government resisted calls by opposition parties and military charities to expand this requirement to every area of public policy and to apply it to national government and the devolved administrations.

1 Commons Library briefings

The Armed Forces Covenant and the debate in 2021 on expanding its status in law is examined in the following Commons Library briefings:

- [The Armed Forces Covenant and its status in law](#), November 2025
- [Armed Forces Bill 2021-2022: Lords amendments](#), December 2021
- [Armed Forces Bill 2021-22: Progress of the bill](#), June 2021
- [The Armed Forces Bill 2019-2021](#), February 2021

Delivering on a manifesto commitment

The [Labour Party’s 2024 election manifesto](#) committed to “strengthen support for our Armed Forces communities by putting the Armed Forces Covenant fully into law”. Following consultation with a wide range of stakeholders, including UK Government departments, devolved administrations, and charities, in June 2025 the Prime Minister announced that plans to bring the covenant “fully into law” would be taken forward as part of the next armed forces bill in 2026.⁶

As part of those plans, the government announced that all central government departments and the devolved administrations will have to legally consider (have due regard for) the needs of the armed forces community when making new policy. The ‘Covenant Legal Duty’, as it has

⁶ Ministry of Defence, [Armed Forces Covenant annual report 2024](#) and Prime Minister’s office, [Press release](#), 28 June 2025

been termed, will also be expanded from three areas (healthcare, housing and education), to include the following:⁷

- social care
- childcare
- employment and service in the armed forces
- personal taxation
- welfare benefits
- criminal justice
- immigration
- citizenship
- pensions
- service-related compensation
- transport

Having previously said that the 2021 act did not go far enough, the Royal British Legion (RBL) and the Confederation of Service Charities (Cobseo) welcomed the decision.

Speaking in June 2025, the Director General of the RBL, Mark Atkinson, said that those who have served in the armed forces “often face unique challenges” and that expanding the Covenant Legal Duty will “help public services better respond to these challenges by ensuring the needs of the Armed Forces community are taken into account when making decisions”. He went on to say that it will be “vital” that the impact of extending the legal duty is measured effectively and that those delivering services must also be “resourced with funding and training so that they can fully understand the purpose of the Armed Forces Covenant to ensure this change makes a meaningful difference to the lives of all those in the Armed Forces community”.⁸

In September 2025, the RBL launched a new campaign, [Keep the Covenant Promise](#). The campaign calls for the covenant duty to be expanded and “reinforced by appropriate funding, guidance and impact measurements to drive meaningful change”.⁹

⁷ Prime Minister’s office, [Press release](#), 28 June 2025 and Armed Forces Covenant, [The Armed Forces Covenant Legal Duty Extension: What it means for the armed forces community](#) (accessed 15 December 2025)

⁸ Prime Minister’s office, [Press release](#), 28 June 2025

⁹ Royal British Legion and Poppy Scotland, [Keep the Covenant Promise](#) (PDF)

In its report on the Armed Forces Covenant in April 2025, the House of Commons Defence Select Committee also welcomed the proposal to extend the Covenant Legal Duty. However, it also cautioned against inconsistent interpretation of ‘due regard’ and called for clear guidance so that “the duty is clearly understood and is not treated as a tick-box exercise”.¹⁰

Provisions in the Armed Forces Bill 2026

Clause 2 of the bill implements the changes previously announced by the government. Two new sections will be added to the Armed Forces Act 2026:

- Section 343AZA expands the covenant to central government and the devolved administrations, and the issues to which they must have ‘due regard’.
- Section 343AZB provides definitions for the authorities and bodies to which this legislation applies across England, Wales, Scotland and Northern Ireland. The bill does not, however, provide a definition of ‘due regard’. In the previous armed forces bill in 2021, several MPs, including members of the then Labour opposition frontbench, had criticised the lack of a definition in the legislation of ‘due regard’, suggesting that the phrase was too ambiguous and left obligations open to interpretation.¹¹

The government has estimated that implementing the provisions relating to the Armed Forces Covenant could lead to “initial training and familiarisation costs” within government departments, ranging from approximately £307,000 to £1.5 million.¹²

2.2

Establishing a Defence Housing Service

Government prioritisation of defence housing

Since entering office in July 2024, the new Labour government has made improving military accommodation a priority for the Ministry of Defence (MOD).

It has implemented a number of measures intended to raise the standard of defence housing, including bringing 36,000 homes that were transferred to the private sector in 1996 back into public hands. The government said that the 2024 deal would allow for a significant programme of essential

¹⁰ Defence Select Committee, [The Armed Forces Covenant](#) (PDF), HC572, Session 2024-25, recommendation 29

¹¹ See box 1 for Commons Library briefings relating to the passage of the 2021 armed forces act. See also [HC Deb 8 February 2021](#), c58, c71, c83, c109 and c122

¹² [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 516

refurbishment for existing military homes and “unlock new-build housing projects” on defence land.¹³

In May 2025, the government announced an additional £1.5 billion investment in defence housing during this Parliament (to 2029). Total investment in service accommodation over the next decade has been set at £9 billion.¹⁴

Defence Housing Strategy

In November 2025 the MOD published a new [Defence Housing Strategy](#) which it said was the blueprint for “one of Britain’s most ambitious building programmes in decades”.¹⁵ The strategy outlines the potential for 100,000 homes to be built on surplus MOD land, which will be available to both military and civilian families. However, the strategy also adopts a “forces first” approach, which will give military families and veterans priority for home ownership on these sites.¹⁶

One of main recommendations of the strategy is for defence housing (both existing and new) to remain in public ownership. It proposes that a new arms-length public body, the Defence Housing Service (DHS), be established to deliver and manage that strategic asset, and ensure that the needs of service personnel and their families are met.

The strategy says that the DHS should be accountable to defence ministers and to Parliament. It recommends that an annual report be presented to Parliament each year setting out the performance of the DHS against its strategic objectives, including meeting the [Decent Homes Standard](#). It also says that representatives of the forces families’ federations be part of the governance structures of the DHS to provide an independent voice and consult on changes to defence housing policy.¹⁷

The strategy also recommends that the service complaints system be revised to provide for an independent redress mechanism for housing complaints that is equally accessible by service personnel and their family members, and which is overseen by the Armed Forces Commissioner.¹⁸

Provisions in the bill

Clause 3 and schedule 1 of the bill make provision for establishing the Defence Housing Service (DHS).

¹³ Ministry of Defence, [Press release](#), 17 December 2024 and HCWS 1016, [Defence Housing Strategy](#), 4 November 2025

¹⁴ Ministry of Defence, [Press release](#), 2 November 2025

¹⁵ HCWS 1016, [Defence Housing Strategy](#), 4 November 2025

¹⁶ HCWS 1016, [Defence Housing Strategy](#), 4 November 2025

¹⁷ Ministry of Defence, [The Defence Housing Strategy 2025](#), November 2025, p.12

¹⁸ As above, p.69

A new section (part 16C) and a new schedule (11A) will be inserted into the Armed Forces Act 2006, setting out the function, powers, status and governance of the DHS.

Functions of the DHS

The new body will be tasked with improving the supply and quality of defence housing, managing land and other property used for defence purposes (including acting as landlord for military housing), securing the regeneration or development of defence land (for military or civilian purposes) and supporting service communities. Further functions may be determined by the Secretary of State.

Powers of the DHS

The DHS “may do anything it thinks appropriate for the purposes of, or in connection with, the exercise of its functions”.¹⁹ Such powers include, among other things, entering into contracts and other agreements, acquiring or disposing of land or other property (including by compulsory purchase with the consent of the Secretary of State), borrowing or lending money and forming or investing in a company, joint venture or similar organisation. The DHS may only borrow money with the consent of the Treasury.

Status of the DHS

The DHS will not be a [Crown body](#), and the property of the DHS will not be Crown property. However, when carrying out the function of a Minister of the Crown, the DHS will have the same immunities, privileges and exemptions that would apply to the minister. Property being transferred to the DHS from the Secretary of State will also be treated as if it were Crown property. The Secretary of State may also make regulations to provide for any other property to be treated as Crown property. The provisions are intended to replicate the current Crown provision for defence property, which means they are outside the scope of certain housing and tenancy legislation and are exempt from certain property-based taxes and levies.²⁰

Structure and governance of the DHS

A chief executive will be appointed by the DHS, with the approval of the Secretary of State. A governing body of at least six people (including a chair) will also be appointed. To aid transition to the new body, the first chief executive will be appointed by the Secretary of State. The DHS will be able to establish committees, which may comprise, or include, independent representatives.

The DHS must provide an annual report and accounts that will be laid before Parliament. It must also provide information to the Secretary of State on the exercise of its functions, as requested.

¹⁹ Armed Forces Bill 2026, clause 3 (new section 343F)

²⁰ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 76 and 82

Part 2 of schedule 1 makes provision for transferring property and staff to the DHS, including any rights and liabilities. Part 3 establishes the rules around taxation for any transferred property or staff, including exemptions from any relevant tax provisions such as income tax, capital gains tax, VAT or stamp duty. Part 4 makes further provision around the compulsory purchase of land by the DHS, including the abolition of certain private rights, such as rights of way, upon completion of a compulsory purchase.

Schedule 1 also sets out the consequential amendments to existing legislation that arise with the creation of the DHS, including ensuring that the exemptions from council tax that currently apply to defence housing are maintained upon transfer to the DHS.

The bill also gives the Secretary of State the power to acquire land in England and Wales by compulsory purchase if it is required for defence purposes (clause 3 new section 343I).

2.3 Incursion of drones over military bases

The use of drones near military installations in both the UK and overseas has been steadily increasing. In answer to a parliamentary question in November 2025, the Defence Minister, Lord Coaker, said that, over the course of 2025, there had been 187 drone sightings in the vicinity of military establishments in the UK.²¹

The government does not comment on the specific security arrangements of military bases, except to say that the UK maintains “multi-layered security measures, including counter-drone capabilities which can identify and facilitate the capture of drones”.²²

What does the bill propose?

Clause 4 of the bill makes provision for a new defence authorisation scheme to lawfully permit armed forces personnel to use “approved equipment” to prevent or detect offences being committed using drones near military sites and property (including in, above or below UK territorial waters and those used by foreign forces in the UK), to mitigate such risk, and where it is “appropriate in the interests of national security”. Relevant offences are set down in new section 343Q and include assisting a foreign intelligence service.

The effect of authorisation is to lawfully provide for “any action”, aside from action that is prohibited under parts 1 to 7 of the [Investigatory Powers Act 2016](#). Interference with a drone could result in its seizure and retention. The

²¹ PQHL11210, [Military bases: Unmanned air systems](#), 4 November 2025

²² As above. See also [HC Deb 27 November 2024](#), c298WH and [HL Deb 27 November 2024](#), c691-695

MOD has said that the intention is for a legislative framework that is “sufficiently flexible to address emerging threats from adversaries”.²³

Authorisation must be given in writing and requires approval from a senior member of the armed forces (with at least the rank of Rear Admiral, Major General or Air Vice Marshal) or an equivalent member of the Senior Civil Service (MOD civilian staff who hold a rank or position equivalent to that of a Chief Constable). Any approval can remain in force for up to a year. In urgent situations approval may be given orally by a member of the armed forces with at least the rank of Commodore, Brigadier or Air Commodore, or their civilian equivalent, and will remain in force for 72 hours. Authorisations can be extended in both circumstances, although limitations exist for urgent authorisations.

Approved equipment is defined as “any equipment” approved by the Secretary of State. This could include any future equipment deployed to protect military sites in the UK.²⁴

Authorisation can also be given for testing and training purposes relating to the use of any equipment.

According to the explanatory notes to the bill, it is modelled on the authorisation regime for the police and other law enforcement bodies in relation to interference with property that is set down in the [Police Act 1997](#). This specific legislation does not apply to defence personnel.

2.4 Measures relating to service justice

Traditionally, the Armed Forces Act is primarily concerned with the service justice system and how it operates. As far as possible, the service justice system reflects the provisions of the civilian justice system (criminal law in England and Wales). However, it also provides an avenue to enforce standards that are distinctive to the Armed Forces, for example absence and misconduct.

Service law applies to armed forces personnel at all times, and wherever they are serving in the world. Service law is also applicable to civilians in certain circumstances (referred to as [civilians subject to service discipline](#)).

The passage of a new armed forces bill every five years offers the opportunity to make changes to service justice that implement new government policies, to amend or remove outdated provisions and to introduce measures that have already been implemented in the civilian justice system.

²³ EN para. 13

²⁴ See PQ62204, [Lasers: weapons](#), 30 June 2025 and [HC Deb 23 June 2025, UK military base protection](#) for a discussion of the potential use of directed energy weapons to protect UK military bases.

This bill makes several changes to service justice, which the MOD says reflects “the strategic direction and priorities set by the Service Justice Board”.²⁵

Those priorities include:

- Modernising and improving victim support within the service justice system.
- Ensuring that the service justice system can protect victims of the most serious offences from further harm. The measures support the government’s broader manifesto commitment to halving violence against women and girls within a decade.²⁶
- Improving the effectiveness and efficiency of the service justice system so that it can be a “flexible, modern, efficient jurisdiction capable of operating in any environment”.²⁷

Protection from sexual and violent behaviour, domestic abuse, stalking and harassment

The bill enacts various measures to align the powers of the service police and service courts (the Court Martial or the Service Civilian Court) with the civilian justice system.²⁸

Sexual Harm Prevention Orders and Sexual Risk Orders

The bill will allow Sexual Harm Prevention Orders (SHPO), interim SHPOs and Sexual Risk Orders (SRO) to be issued, on application to the service court, by a Provost Marshal. Appeals against an SHPO or SRO must be made to the Court Martial Appeal Court (clause 5 and schedule 2). Applications for varying, renewing or discharging an SRO once an individual leaves service, or is no longer a civilian subject to service discipline, must be made to the Crown Court in England and Wales.

Service domestic abuse protection notices and orders and service stalking protection orders

The bill also allows for service domestic abuse protection notices to be issued by the service police, and for service domestic abuse protection orders and service stalking protection orders to be issued by the service courts (clause 6 and schedule 3). Schedule 3 also makes provision for issuing interim service stalking protection orders. Breaches of either a service domestic abuse protection order or a service stalking protection order is liable to any

²⁵ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 5. Membership of the Service Justice Board is set out in [PQ37248](#), 18 March 2025

²⁶ Labour Party, [Change: Labour Party Manifesto 2024](#) (PDF), June 2024, p.67-68. On 18 December 2025, the government also published its long-awaited [Strategy on Violence against women and girls \(VAWG\)](#) (PDF) See also Commons Library Insight: [Violence against women and girls in 2025](#)

²⁷ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 5

²⁸ As set out in the [Sexual Offences Act 2003](#), the [Domestic Abuse Act 2021](#), the [Stalking Protection Act 2019](#) and the [Protection from Harassment Act 1997](#)

[punishment available to a Court Martial](#), including a custodial sentence not exceeding five years.²⁹ Parts 6 and 7 of schedule 3 also provide for enforcing and varying a service domestic abuse protection order, or a service stalking protection order, so that it continues to apply under the jurisdiction of a civilian court when the person to whom the order has been made is no longer in the armed forces or is no longer a civilian subject to service discipline.

This latter provision is also made applicable in the bill to service restraining orders (clause 7) in order to “ensure that victims remain protected”.³⁰

Multi-Agency Public Protection Arrangements

The bill also makes provision for offenders sentenced by the service courts who have committed certain serious violent, sexual or specified offences (murder; an offence listed in 327 (4A); or the offences listed in parts 1 and 2 of schedule 15 of the [Criminal Justice Act 2003](#)) to be automatically managed under [Multi-Agency Public Protection Arrangements](#) (clause 9) upon their release. Currently, that management is undertaken on a discretionary basis. This clause will therefore bring offenders sentenced by the service courts into line with the civilian justice system in England and Wales.

Guidance issued to civilian police

Clause 8 inserts a new chapter into [part 13 of the Armed Forces Act 2006](#) (chapter 3B) which requires the Provost Marshal, in the exercise of his duties, to have regard to the relevant guidance that is issued to the civilian police forces under the Sexual Offences Act 2003, the Stalking Protection Act 2019, and the Domestic Abuse Act 2021, and will be implemented in the [Crime and Policing Act 2026](#), which at the time of writing is still before Parliament.

Guidance relating to the disclosure of information in each of these acts is also applicable to the Defence Serious Crime Unit, which was established in the 2021 Armed Forces Act to investigate serious criminal offences committed by service personnel anywhere in the world.³¹

Support for victims of service offences

A victim of a service offence is defined in this bill as “a person who has suffered harm” (defined as physical, mental or emotional harm and economic loss) as a direct result of:

- being subjected to conduct which constitutes a service offence (as set down in [part 1 of the Armed Forces Act 2006](#); this includes any offence punishable under civilian law in England and Wales (section 42, AFA 2006))

²⁹ A punishment of dismissal from the armed forces, cannot be imposed, however, on civilians subject to service discipline.

³⁰ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 242

³¹ The DSCU is examined in further detail in Commons Library briefing, [Armed Forces Bill 2021-2022: Lords amendments](#) (PDF), 9 December 2021

- one or more of the following circumstances where the conduct constitutes a service offence:
 - a) the person has seen, heard or otherwise directly experienced the effects at the time the offence took place
 - b) the person's birth was the direct result
 - c) the death of a close family member was the direct result
 - d) the person is a child who is a victim of domestic abuse (clause 10)

In determining whether conduct constitutes a service offence, it is considered immaterial whether the conduct has been reported, or whether any person has been charged or convicted of an offence. The MOD has said that this will ensure that the Code of Practice (see below) can provide support to victims at all stages in the service justice process, even where no criminal proceedings are eventually brought or where proceedings end in acquittal.³²

The bill calls for a Code of Practice, to be issued by the Secretary of State in secondary legislation, setting out the services that must be provided to victims within the service justice system. These include providing information to help them understand the service justice process, relevant support services, the opportunity to have their views heard, and the ability to challenge decisions which have a direct impact upon them.

The Code of Practice will be able to differentiate between types of victims so that vulnerable victims may receive faster or more specialised assistance. In considering the provision of information, the Secretary of State is also obliged under clause 10 to consider victims who are under the age of 18 or who have protected characteristics within the meaning of the Equality Act 2010.

In establishing a Code of Practice, the Secretary of State must also consult with various officials (set down in new section 327D of AFA 2006), including the Commissioner for Victims and Witnesses, the Service Police Complaints Commissioner, the Director of Service Prosecutions and the Provost Marshals.

Variations to the Code of Practice can only be made if the revisions do not result in a "significant reduction in the quality or extent of services provided" or a restriction on the persons to whom the code applies.

Complaints to the Parliamentary Commissioner for Administration

The bill also seeks to support victims of a service offence by streamlining the complaints process and removing the need to raise a complaint via an MP before it can be escalated to the [Parliamentary Commissioner for Administration](#) (clause 11).

³² [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 260

Improving the effectiveness of the service justice system: Concurrent jurisdiction

In line with the third priority of the Service Justice Board (see above), the bill makes several provisions that aim to increase the effectiveness and efficiency of the service justice system. Among the most important of these provisions is the introduction of new guidance around concurrent jurisdiction.

2 Concurrent jurisdiction

Under [service law](#) (PDF), certain criminal offences committed by service personnel in the UK, including some of the most serious such as murder, can be investigated and prosecuted within either the civilian justice system or the service (military) justice system. This is referred to as ‘concurrent jurisdiction’.

The previous bar on the service authorities prosecuting the offences of murder, manslaughter and rape committed by service personnel in the UK was removed in the [2006 Armed Forces Act](#).

Concurrent jurisdiction in cases relating to murder, manslaughter or rape committed in the UK was discussed at length during the passage of the 2021 Armed Forces Act.³³

That legislation took forward many of the recommendations that had been made in the 2018 [Lyons Review on the service justice system](#). The 2021 act did not, however, take forward the recommendation that allegations of murder, manslaughter and rape committed in the UK should not be tried at Court Martial except with the consent of the Attorney General. That recommendation had been supported by the Commons Defence Select Committee in its report on [Women in the Armed Forces](#) in 2021.

During passage of the 2021 act, an [opposition amendment tabled by the Labour Party during the Commons report stage](#) (PDF), which would have placed cases of murder, manslaughter, domestic violence, child abuse and rape solely under the jurisdiction of the civilian courts, was defeated on division.³⁴ Further [amendments introduced in the House of Lords by Lord Thomas of Gresford](#) (PDF) were also defeated in the Commons and eventually withdrawn.³⁵

The Conservative government at the time argued that the amendments were neither necessary nor justified because the legislation already provided for an agreement of protocols on jurisdiction between the Director of Service Prosecutions and civilian prosecutors and that, as part of those protocols,

³³ See box 1 (p.10) for links to the Commons Library briefings on the 2021 Armed Forces bill which examine this debate in more detail.

³⁴ [Division No.51](#), 13 July 2021

³⁵ [Division 132](#), 6 December 2021; [HC Deb 13 December 2021](#), c814-828 and [HL Deb 14 December 2021](#), c153

civilian prosecutors would always have the final say on the choice of jurisdiction for any offence ([Armed Forces Act 2021, section 320A](#)).³⁶

Then MOD minister, Baroness Goldie, also said that it was essential that each system (civilian or military) should be capable of dealing with all types of offending and that it was “wrong for there to be an explicit and inbuilt bias towards one system or the other”.³⁷ She reiterated the support for concurrent jurisdiction that had been made in the 2021 [Henrique Review on strengthening the service justice system](#) with respect to serious offences committed on overseas operations.

In 2021, the then government did, however, commit to improving and expanding [statistical reporting on sexual offending in the armed forces](#) to include other serious offences and data on investigations, court martial proceedings and conviction rates.³⁸ The then Minister for Defence People and Veterans, Leo Docherty, said “We believe that this will increase the transparency of, and the confidence in, the service justice system, and we welcome this scrutiny”.³⁹

In response, the then Shadow Defence Minister, Stephen Kinnock, said accepting the Lords amendments would have “guaranteed a more robust approach to dealing with serious crimes committed by service personnel” and that the Labour Party remained committed to moving serious offences committed in the UK into the jurisdiction of the civilian courts, calling this issue “unfinished business”. He said that conviction rates for the most serious offences must improve and that “moving these offences into civilian courts offers us the best chance of doing so”.⁴⁰

What does the current bill propose?

The 2026 bill does not include provisions that implement the recommendation of the Lyons review on concurrent jurisdiction or reflect the amendments that the then Labour opposition and several peers attempted to move during the last armed forces bill in 2021.

Instead, clause 25 of the current bill establishes a requirement for the Secretary of State to introduce guidance on the exercise of criminal jurisdiction. The overarching intention of that guidance is to allow the victim of a service offence to which concurrent jurisdiction is applicable to reach an informed view “in a timely and appropriate manner”, before expressing a preference, should they so wish, on which jurisdiction that offence should be tried in (clause 25).

³⁶ HL 14 December 2021, c143-144. See also Commons Library briefing, [Armed Forces Bill 2019-2021](#), section 2.2

³⁷ As above

³⁸ [HC Deb 13 December 2021](#), c814-815

³⁹ As above, c815

⁴⁰ [HC Deb 13 December 2021](#), c818-819

Before issuing guidance, the Secretary of State is obliged to consult interested parties, as set down in subsection 6. These include the devolved governments of Scotland and Northern Ireland, relevant policing bodies and prosecutorial agencies (both military and civilian), and the Commissioner for Victims and Witnesses.

Decisions on jurisdiction will still be taken by prosecutors in accordance with the existing protocols on jurisdictions. As set out above, those protocols provide for civilian prosecutors to have the final say.

Improving the effectiveness of the service justice system: Other measures

Investigations, arrest and charging

Clause 12 introduces a new duty on the Secretary of State to issue a service policing protocol, which will ensure the independence of investigations conducted by the service police (the Royal Navy Police, the Royal Military Police and the Royal Air Force Police) and the Defence Serious Crime Unit (DSCU). The protocol will also aim to improve working relations on such matters between the Secretary of State, the Defence Council, the Service Police and the DSCU and prevent any duplication or conflict in the exercise of relevant functions.

The Secretary of State must have regard to the “efficiency and effectiveness of the service police forces and the tri-service serious crimes unit” and the “operational effectiveness” of the armed forces when issuing, revising or replacing the protocol.

The bill also makes several amendments to existing procedures:

- Powers of search and entry: clause 13 amends AFA 2006 to enable Judge Advocates to issue warrants authorising the service police to enter and search ‘relevant’ premises, which has been expanded to include non-residential premises. This definitional change will align service law more closely with the civilian justice system as set out in section 23 of the [Police and Criminal Evidence Act 1984](#).⁴¹
- Arrest and detention by the civil authorities: clause 14 amends AFA 2006 to allow the civilian police in the UK, or in a British Overseas Territory to arrest, without a warrant, a serviceperson who is “reasonably suspected” of committing the offence of “disobedience to lawful commands”. This change will align with the powers of arrest that already exist for deserters and those absent without leave.
- Changes to pre-charge custody: clause 15 enables the Provost Marshals of the service police forces and the DSCU to act as an appropriate authority in place of a Commanding Officer when a person has been

⁴¹ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para.289

arrested for a serious offence (which is defined in clause 15 (3) (f)), and to place that person in custody without them first having been charged. Under the system established in AFA 2006, a Commanding Officer lacks jurisdiction with respect to the investigation and charging on serious service offences.⁴² Enabling Provost Marshals to authorise pre-charge detention will, according to the MOD, “improve the efficiency of investigations”.⁴³

- Post-charge conditions on persons not in service detention: clause 21 makes provision for Judge Advocates to impose post-charge conditions on an individual who is not held in custody while awaiting proceedings in a Court Martial or Service Civilian Court. Any breach of those conditions is liable to any [punishment available to a Court Martial](#), including a custodial sentence not exceeding two years.
- Dismissal of charges: new provision is made in clause 22 to allow for both the dismissal of charges before an initial court hearing (arraignment) where it appears that the evidence is not sufficient for a conviction, and for any charge that has been dismissed to be brought again under certain circumstances. These procedures currently exist within the civilian justice system through the [Crime and Disorder Act 1998](#) and the [Administration of Justice \(Miscellaneous Provisions\) Act 1933](#).

Duties and powers of a Commanding Officer

The bill makes changes to the duties and powers of a Commanding Officer (CO) in the following ways:

- The time limit for charging summary offences: within the service justice system, certain low-level offences (set out in [section 52](#), [section 54](#) and [schedule 1 of the AFA 2006](#)) can be dealt with by a serviceperson’s CO. Clause 16 imposes a new time limit of six months for charging service personnel and those civilians subject to service discipline with a summary offence that falls under section 42 (those offences punishable in the civilian justice system in England and Wales). Exceptions to that six-month limit will be determined by any statutory time limits that are set down in the [Magistrates Court Act 1980](#) (which is the civilian equivalent of summary jurisdiction). The Director of Service Prosecutions will also be able to disapply this new time limit where the unique nature of service life and the pace and length of operations affect the ability to meet this requirement.
- The duty of Commanding Officers to report a serious crime: under the current system, a CO is obliged to report a serious offence to the service police for investigation. Clause 17 of the bill extends this duty to all COs

⁴² This change is examined in more detail in Commons Library briefings RP05/75, [Background to the forthcoming Armed Forces Bill](#), November 2005 and RP05/86, [Armed Forces Bill \(Bill 94 of 2005-06\)](#)

⁴³ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para.294

who become aware of any allegations that a serious offence has been committed, and not just by those in their immediate chain of command.

- The punishments available to Commanding Officers: [section 132 of AFA 2006](#) sets out the punishments which are available to a CO. Among them is the punishment of service detention for certain ranks (row 1 of the table in section 132). Clause 18 of the bill amends that list to ensure equivalence in rank across all three services.

Clause 19 also introduces the ability of a CO to impose a ‘deprivation order’ as a punishment in combination with a more serious punishment such as service detention, forfeiture of seniority or reduction in rank. At present, a CO can only combine a deprivation order with a fine or minor punishment.

Service courts: Other provisions

- Mental health disorders: under clause 23, the powers of the Court Martial are extended to include the ability to make orders under part 3 of the [Mental Health Act 1983](#) which mirror those already available to a Crown Court. Specifically, orders may be made in cases where evidence has been presented that the accused or convicted person may require assessment, treatment or admission for a mental disorder.
- Driving disqualification: clause 27 introduces the ability of a service court to reduce a period of driving disqualification for a drink driving offence by successfully completing an approved driving course within a specified time. This is a new power which will align the service courts with the civilian justice system under the [Road Traffic Offenders Act 1988](#).
- Qualification for sitting on a Court Martial: under current rules, only service personnel who previously held the rank of Warrant Officer before becoming a commissioned officer automatically qualify to sit on a Court Martial board. Personnel in the [rank of OR-7](#) were made eligible to sit on a Court Martial in the Armed Forces Act 2021. However, to do so they are required to undergo a three-year qualification period as newly commissioned officers. Clause 20 makes a minor amendment to the current provision to enable OR-7s to automatically qualify upon receiving their commission, “thereby aligning the legislation with the original policy intent”.⁴⁴ Acting OR-7s will still, however, be required to undergo the three-year qualification process.

Rehabilitation of Offenders Act

Amendments are made to the [Rehabilitation of Offenders Act 1974](#) so that rehabilitation periods (12 months for adults and six months for young offenders) are restored for the service punishments of reduction in rank, forfeiture of seniority, service suspension and punishment orders (clause 28). The [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) had given

⁴⁴ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 312

these punishments a rehabilitation period of ‘nil’, meaning that offences were immediately ‘spent’ and could not be taken into consideration at promotion boards.

The bill also places an obligation on service personnel to disclose spent cautions so that “their single service can consider taking employment action (known as administrative action in the armed forces) against them”.⁴⁵ This is an exception to the Rehabilitation of Offenders Act.

2.5 Reserve Forces

The Reserve Forces are governed by [The Reserve Forces Act 1996](#). Among other things, that legislation sets out the statutory provisions regarding the composition and size of the reserve forces, the terms of service of reservist personnel, and the powers to call-out the reserves in times of national need.

3 Main categories of reserve forces

There are several categories of reserve forces. The main categories referred to in the 2026 Armed Forces Bill are as follows:

- The Strategic Reserve. This comprises members of:
 - Ex-Regular Reserve Forces (the Royal Fleet Reserve, the Regular Reserve and the Air Force Reserve, although they are often [collectively referred to as the Regular Reserve](#)). They consist of former members of the armed forces who, on discharge, are transferred to the reserves for a period of time. Members retain a legal liability to train for up to 16 days a year and to be mobilised if necessary.
 - Recall Reserve. Former members of the armed forces, who are not members of either the Volunteer Reserve (see below) or the Regular Reserve. They retain a legal liability to be recalled for permanent service into the armed forces in certain circumstances.
- Volunteer Reserve

Comprising the Army Reserve (formerly the Territorial Army), the Royal Naval Reserve, the Royal Marines Reserve, and the Royal Auxiliary Air Force. They consist of civilians who enlist on a part-time basis and have an ongoing training commitment and a mobilisation obligation.

⁴⁵ As above, para. 344

Recommendations of the 2025 Strategic Defence Review

The [2025 Strategic Defence Review](#) (SDR) set out what the Defence Secretary, John Healey, described as a “landmark shift” in the UK’s approach to defence and security. It called for a transformation in the way that defence is organised and delivered. At its heart are three main premises:

- A move toward “warfighting readiness”, including strengthened homeland defence.
- A new, more lethal, ‘integrated force’ model for the armed forces that utilises technology alongside more conventional warfighting capabilities and puts “NATO first”.
- A “whole of society approach” to the review’s implementation, including wider participation in achieving national resilience and renewing the relationship between the armed forces and society.

To achieve these aims, the SDR said that the effectiveness of the whole force (regular, reserve and civilian personnel) must be maximised. It recommended increasing the number of active reserves by 20%, when funding allows, and “reinvigorating the relationship with the Strategic Reserves”.⁴⁶

Summary of the provisions in the bill

Changes to the Reserve Forces are one of the more significant elements in this bill (clauses 31 to 37 and schedules 5 and 6).

The intention is to align the Reserve Forces Act 1996 (RFA 96) with the ‘whole force’ approach set down in the SDR, and to implement the SDR’s recommendations with respect to readiness and the Strategic Reserve. The bill contains measures that will:

- Expand the number of available reservists by increasing the maximum age of those individuals who retain a recall liability after leaving the armed forces and the reserves. The length of recall liability will also be harmonised across the services, and the category of those who have a recall liability will be expanded.
- Enable individuals to transfer between the regular and reserve forces more easily.
- Provide the Secretary of State with the power to authorise the call-out of the Strategic Reserve for “warlike operations”, in addition to the existing call-out power relating to any “national danger, great emergency or attack on the UK” ([RFA 96, section 68](#)). Changes will also be made to

⁴⁶ [Strategic Defence Review](#), June 2025, p.18.

methodology by which the length of service under a call-out order is measured.

- Allow personnel to remain subject to the rules as they currently exist under the Reserve Forces Act 1996 (opt outs), as with previous legislation relating to the reserves.
- Amalgamate the Reserves and Cadets Forces Associations (RFCA) into a single non-departmental public body, following the recommendation of the [2019 Sullivan Review](#).

Reforms relating to call-out and recall are expected to come into force in spring 2027.⁴⁷

Reactions to the proposals have been mixed. Many commentators and veterans have expressed support, highlighting the invaluable operational experience and skills that veterans can bring to defence. However, concerns have also been expressed over the ability of the MOD to effectively track former armed forces personnel. Calls have been made for the MOD to move quickly to identify those veterans who may be in scope of the changes and to establish a reliable means of informing them of the change in obligations and remaining in contact.⁴⁸

Extension of the recall liability

Under existing legislation ([RFA 96, section 65](#)), regular armed forces personnel retain a recall liability after they leave the service for six years (Royal Navy and Royal Marines) and 18 years (Army and RAF), or until they reach the age of 55 (65 for officers), whichever is sooner.⁴⁹

Officers within the volunteer reserve also retain a recall liability after they leave, although other ranks do not.

What does the bill propose?

- The age limit for recall liability to rise to 65 across all three services (clause 33).
- The length of recall liability to increase to 18 years for Royal Navy and Royal Marines personnel, bringing them into line with the Army and RAF (clause 33).
- All ranks of the volunteer reserve to have a recall liability for 18 years after they leave, or until the age of 65 (in line with the provisions for

⁴⁷ [Ministry of Defence press release \(update\)](#), as reported by Policy Mogul, 15 January 2026

⁴⁸ See for example, The Express, "[Sturmer wants over 60s to fight if world war three happens](#)", 18 January 2026; Hamish de Bretton-Gordon, "[Veterans like me will happily rally to the colours in our 60s if needed](#)", The Daily Telegraph, 16 January 2026 and The Times, "[New 'Dad's Army as MOD raises age limit for reserves to 65'](#)", 15 January 2026

⁴⁹ Joint Service Publication, [Regulations for the mobilisation of UK reserve forces: Part 1](#) (PDF), March 2023, p.10

members of the regular forces upon discharge) (clause 33). The MOD has said that this will utilise a source of “hitherto untapped latent capability” and will significantly increase the quantity and quality of personnel in the Strategic Reserve.⁵⁰

- The new rules will apply upon discharge for current members of the regular forces and members of the volunteer reserve, unless they choose, within six months, to opt out of the changes and remain subject to the rules as they currently exist under RFA 96.⁵¹ Members of the Regular Reserve and those veterans who have left the armed forces but retain a recall liability will be exempt from the new rules unless they choose to opt in. New recruits into the armed forces after this legislation enters force will be subject to its provisions.

Clause 35 and schedule 5 of the bill make provision for this transition to the new rules. Schedule 5 establishes two new ‘transitional classes’ of personnel to whom the new rules relating to recall liability and call-out (see below) established in this bill will not apply, depending on whether they have opted out of the changes made in the bill or are already exempt and have chosen not to opt in to the new rules.⁵² It is intended that further rules around opt-outs will be set down in secondary legislation.⁵³

Changes to the call-out of the reserves

At present, both the Volunteer Reserve and the Strategic Reserves can be called out/recalled for any “national danger, great emergency or attack on the UK” ([RFA 96, section 52](#) and [section 68](#)). However, only the Volunteer Reserve and the Regular Reserve can be called out for “warlike operations that are in preparation or progress” ([RFA 96, section 54](#)). Personnel with a reserve liability in the Strategic Reserve cannot be recalled for the same purpose.⁵⁴

The length of service following recall under section 68 is three years, unless extended to a maximum of five years ([RFA 96, section 69](#)). This is in line with the length of call-out for the volunteer reserve under section 52. The length of call-out for the volunteer reserve under section 54 of RFA 96 is 12 months, unless extended to a maximum of two years.

⁵⁰ [Armed Forces Bill 2026 \(HCB367\), Explanatory Notes](#) (PDF), January 2026 p.10

⁵¹ [Armed Forces Bill 2026 \(HCB367\), Explanatory Notes](#) (PDF), January 2026, para.29. An explanation of ‘transitional classes’ under RFA96 was provided in the [Explanatory Notes to the Defence Reform Act 2014](#), when previous changes to the call-out of the reserves were made (para.154-156)

⁵² The original transitional class refers to personnel to whom legislative changes that were made in the Reserve Forces Act 1996 do not apply. The second transitional class refers to those personnel to whom changes in the Defence Reform Act 2014 do not apply.

⁵³ [Armed Forces Bill 2026 \(HCB367\), Explanatory Notes](#) (PDF), January 2026, para.29

⁵⁴ [Armed Forces Bill 2026 \(HCB367\), Explanatory Notes](#) (PDF), January 2026, para. 391. The volunteer reserve can also be used for “any purpose for which members of the regular services may be used” (RFA96, [section 56](#)).

As the legislation currently exists, any permanent (call-out) service that has been accrued by members of the volunteer reserve in the previous six years (under a section 52 call-out) or three years (under a section 54 call-out) counts towards any current call-out order.⁵⁵

It is an offence under [section 96 of the RFA 96](#) to fail to attend for service following a call-out or recall order unless a deferral or exemption has been obtained ([section 73](#), [section 78](#) and [section 79](#)).

What does the bill propose?

- The bill proposes to introduce two new sections to part 7 of RFA 96 (sections 69A and 69B) so that the Strategic Reserve can also be recalled for “warlike operations”, unless exempt (clause 33). In line with the volunteer reserve, any recall of the Strategic Reserve would be for a maximum period of 12 months, unless extended to two years. The MOD says that the legislation, as it currently stands, could, in the event of a national crisis, prevent defence from generating “the mass it requires at pace to deliver warfighting and home defence capabilities”.⁵⁶
- The bill also provides for the Secretary of State to disapply the rules around accrued (or aggregated) service counting towards any current call-out or recall order (clauses 32 and 33). The MOD has said that this change will “help to ensure that Defence mitigates the risk of being unable to call on the people with the skills and experience it requires at times of need”.⁵⁷
- To reflect the changes made under this bill, amendments will be made to the [Reserve Forces \(Safeguard of Employment\) Act 1985](#), which sets out the obligations regarding an individual’s return to civil employment after a period of recall to full-time service (clause 34).
- The bill proposes closing a loophole around punishment for the offence of failing to attend for service following call-out or recall, which is considered desertion or absence without leave. As it stands, the RFA 96 only includes punishment provisions for those members of a reserve force failing to attend for call-out ([section 98](#)). It does not make similar provision for individuals liable to recall who are only regarded as members of the regular or reserve forces following acceptance into service. Clause 36 ensures the existing punishment provisions are extended to those failing to respond to a recall notice.

Transfer between the regular and reserve forces

Currently, members of the regular armed forces who wish to transfer to the Volunteer Reserve must be formally discharged from the regulars and then

⁵⁵ Joint Service Publication, [Regulations for the mobilisation of UK reserve forces: Part 1](#) (PDF), March 2023, p.29

⁵⁶ [Armed Forces Bill 2026 \(HC367\). Explanatory Notes](#) (PDF), January 2026, para. 22

⁵⁷ As above, para. 406

re-join the reserves. The same is also true of any reservist wishing to join the regulars. As the MOD has noted, this process can lead to “some undesirable outcomes”, such as individuals being asked to re-take medicals or re-attest.

The MOD has said that it wants to provide more flexibility to personnel and improve the ability to “zigzag” from the regulars to the reserves, without having to leave the armed forces first. In a Westminster Hall debate on recruitment in the North East of England at the end of June 2025, the then Minister for the Armed Forces, Luke Pollard, said that it should be easier for people to move between the regulars and the reserves:

That is also the reason why we are looking at zigzag careers, so that people serving in a regular role in our armed forces can undertake reserve work and apply for the reserves while they are serving—rather than having to leave and apply, as they do currently—so that they can then undertake work in our private sector, in our defence contractors, after which they will be able to rejoin. At the moment we zig, but we do not zag. We need to improve the system. That is what we are seeking to legislate to deliver. That will mean an increase in people being able to return.⁵⁸

Clause 31 of the bill makes provision for personnel wanting to leave the regular forces and join the Volunteer Reserve, as well as for those reservists who are of or below [the rank of Warrant Officer](#) (non-officers) and who wish to join, or re-join, the regular forces. Movement between the regulars and the reserves will remain voluntary and subject to the needs of the service.

Clause 31 does not apply to officers who are appointed by commission. Secondary legislation governing those appointments will be amended in due course to achieve the same effect.⁵⁹

Nothing in clause 31 will also change the right of the MOD to transfer service personnel at the end of their regular service to serve a call-out liability (the Regular Reserve).⁶⁰

Unifying the Reserve Forces and Cadets Associations into a single non-departmental public body

The [Reserve Forces and Cadets Associations](#) (RFCA), support the management and delivery of the reserve and cadet forces, including maintenance of the reserve and cadet estate, and advise the Defence Council and the single services on reserve and cadet matters.

There are 13 RFCA at present. They are funded and tasked by the MOD but operate as “unclassified” [arms-length bodies](#) of the department with Crown status.⁶¹ They have their legal basis in [part XI of the RFA 96](#). Each RFCA has its own scheme of association drawn up under RFA 96 which lasts for five years.

⁵⁸ [HC Deb 25 June 2025](#), c329WH

⁵⁹ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 378

⁶⁰ As above, para. 18

⁶¹ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 31

After this time, they must be reconstituted. Each association has a small secretariat but is governed largely by voluntary representatives from the reserve forces, cadet forces, regular services, local authorities, employer and civil societies.

A Council of Reserve Forces and Cadet Associations (CRFCA) has also been formed by the 13 RFCA to provide central internal coordination and a focus on priorities. The RFCA work through the CRFCA but are not legally accountable to it.

The 2019 Sullivan review

In 2019, the MOD established a review into the RFCA. Reporting in March 2020, the Sullivan review acknowledged the ongoing value of the RFCA to defence and identified opportunities to modernise and put the RFCA “on a more sustainable footing”. One of the review’s headline recommendations (out of a total of 80 recommendations for change) was to streamline the CRFCA and the 13 RFCA into a single non-departmental public body (NDPB). The report recommended doing so within the 2021 Armed Forces Act.⁶²

Progress in implementing RFCA reform

The MOD established the RFCA Reform programme in 2021 to implement the review’s recommendations. However, the programme was paused in 2023 because of a lack of parliamentary time before the next general election to legislate for a NDPB. As of December 2024, the MOD had implemented 36 of the review’s recommendations and had progressed 25 other recommendations as far as possible without establishing an NDPB.⁶³

In a report published in March 2025 into the MOD’s oversight of the RFCA, the National Audit Office (NAO) said that the MOD had addressed “many of the operational risks identified by the Sullivan review” but that “some financial, legal and governance risks that the review identified remain”. The NAO acknowledged that the MOD had not addressed all risks, “primarily because it had not been able to take forward its preferred option of establishing an NDPB”.⁶⁴ During the NAO’s investigation, the Council of the RFCA expressed concern that the formation of an NDPB could mean “a ‘top down’ operating model, reducing the involvement of local volunteer members who help to represent defence and build networks in their communities”.⁶⁵

In September 2025, the Commons Public Accounts Committee said that the MOD’s current arrangements for the governance and oversight of the RFCA “fall below the standard we expect” and welcomed the intention to establish an NDPB. However, the committee said that the MOD must “ensure the

⁶² Ministry of Defence, [Review of the Reserve Forces’ and Cadets Associations 2019](#), March 2020, p.5

⁶³ National Audit Office, [Investigation into the Ministry of Defence’s oversight of the Reserve Forces’ and Cadets’ Associations](#) (PDF), HC746, 19 March 2025, para. 1.18

⁶⁴ National Audit Office, [Investigation into the Ministry of Defence’s oversight of the Reserve Forces’ and Cadets’ Associations](#) (PDF), HC746, 19 March 2025, Summary

⁶⁵ As above, para. 1.20

correct balance between the operational effectiveness of the NDPB with the benefits of having local volunteer input”.⁶⁶

Provisions in the bill

Clause 37 and schedule 6 of the 2026 bill implement the remaining recommendations of the Sullivan review.

The CRFCA and the existing 13 individual RFCA will be abolished and replaced with a single body: the Reserve Forces and Cadets Association (clause 37). Schedule 6 of the bill introduces a new schedule into RFA 96 (schedule 4A), which:

- Makes provision for the structure and governance of the new RFCA (part 1):
 - a) The governing structure of the RFCA will consist of between five and ten individuals: an independent chair appointed by the Defence Council, at least two (but no more than five) other non-executive members appointed by the Defence Council, a chief executive and at least one (but no more than three) other executive members. The number of executive members must be fewer than non-executive members.
 - b) The executive members of the RFCA, including the chief executive will be appointed by the non-executive members (with the consent of the Defence Council). However, to aid transition to the new structure the Defence Council may appoint the first Chief Executive of the RFCA. The chief executive will be appointed for a fixed term of no more than five years and can only hold the position for a maximum of 10 years (whether consecutive or not).
 - c) The RFCA can appoint committees which may comprise or include individuals who are not members of the RFCA or staff. The RFCA may delegate any of its functions to a committee. The RFCA must establish a committee (Regional Council) for each area of the UK (as specified by Defence Council regulations). Those regulations will also determine membership of the regional councils and their functions. The MOD has said that the new regional councils are a “key structural element of the new body” and will ensure that the RFCA “remains connected to regional volunteer, reserve and cadet communities” and continues the local engagement role currently being undertaken by the 13 existing RFCA.⁶⁷

⁶⁶ Public Accounts Committee, [MOD's oversight of Reserve Forces' and Cadets' Associations](#), HC893, 5 September 2025, p.5

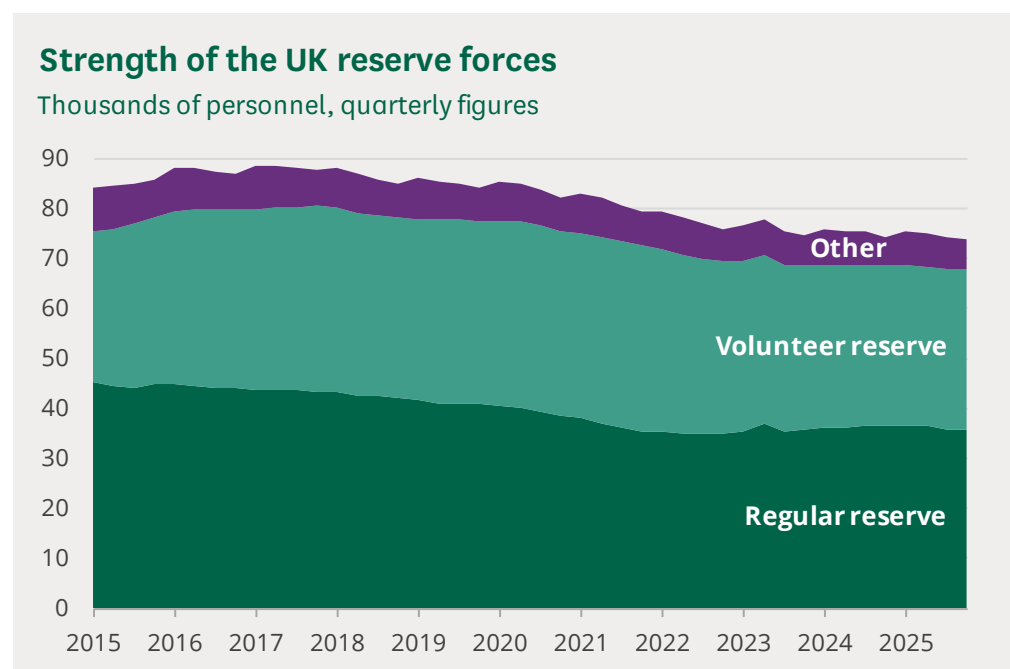
⁶⁷ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 464

- d) The Defence Council may make funding to the RFCA as it considers appropriate. The RFCA cannot acquire or dispose of land without the consent of the Defence Council.
- e) The RFCA must prepare and annual statement of accounts.
- Makes provision for transferring staff, property rights and liabilities of the abolished bodies into the new RFCA (part 2).
- Amends and repeals provisions in RFA 96 and other legislation to reflect the abolition of the existing structures and the new RFCA (part 3).

Reserve personnel statistics

As of 1 October 2025, the UK reserve forces (comprising the regular reserve, volunteer reserve, sponsored reserve and university officer cadets) totalled around 73,700 personnel. Of these, 35,700 (49%) were regular reserves and 31,900 (43%) were volunteer reserves.

The chart below shows quarterly reserve personnel numbers since 2015. The overall size of the reserve forces has declined in recent years, falling from a peak of around 88,000 in 2017.



Source: Ministry of Defence, [Quarterly service personnel statistics: 1 October 2025](#), Table 8a

In addition to these groups, the UK maintains a recall reserve, which consists of former members of the armed forces who retain a legal liability to be recalled for service in times of national crisis.

The MOD does not publish data on the size of the recall reserve, but it reportedly estimates that up to 60,000 people may fall into this category. It is

unclear how many of these people could be called out in practice, although the MOD has indicated that it is working to refine this estimate.⁶⁸

As outlined in box 3, the term ‘strategic reserve’ refers collectively to both the regular reserve and the recall reserve. Taking current regular reserve numbers together with the upper estimate for the recall reserve suggests that around 95,000 people in total may hold a strategic reserve liability.

2.6

Parliamentary control of manpower numbers

In February of each year, the MOD presents ‘Defence Votes A’ to Parliament, which seeks parliamentary authority for the maximum number of service personnel in the armed forces. This is separate from the MOD’s [main estimate](#), which covers departmental spending.

Defence Votes A are approved by the House of Commons, usually in February or March, and then incorporated into the [Supply and Appropriation Bill](#).⁶⁹

The most recent [Defence Votes A for 2025-2026](#) was presented in February 2025.

What does the bill propose?

Clauses 38 and 39 propose changes to the way maximum numbers of regular and reserve personnel are requested from, and reported to, Parliament.

Specifically, clause 38 removes the statutory requirement established in the [Air Force Constitution Act 1917](#), to provide numbers of RAF personnel to Parliament.

Clause 39 removes those sections from the Reserve Forces Act 1996 which provide some element of parliamentary control over reserve numbers: [section 3 of RFA 96](#) (control of numbers in the reserve forces), [section 26](#) (parliamentary control of commitments), [section 36 \(1\) and \(2\) of RFA 96](#) (parliamentary control of numbers and reports), [section 50\(6\)](#) (liability of reserve forces under call-out orders) and [section 65 \(5\)](#) (liability of officers and former servicemen to be recalled).

According to the explanatory notes, these changes will “enable Defence to provide a single global figure per single Service which will enable far more flexible use of our armed forces”. The notes go on to say:

Recognising that control of the size of the Army goes back to the Bill of Rights in 1688, the Government would still request permission for an overall number

⁶⁸ The department’s estimate of size of the recall reserve was reported by Policy Mogul: [Major boost to pool of skilled former military personnel called upon in crises as UK strengthen preparedness](#), 15 January 2026

⁶⁹ UK Parliament, [MPs guide to procedure](#) (accessed 19 January 2025)

of members (combining regular and reserve numbers) of each Service (Royal Navy, Army and Royal Air Force) through the MoD's Ambit which is published as a schedule to the annual Supply and Appropriations Act. In addition, we will produce a simplified VOTES A that will allow formal approval of the combined overall size of the Royal Navy, Army and Royal Air Force and their respective Reserves.⁷⁰

2.7 Other provisions

The bill also takes the opportunity to make amendments to other existing legislation (clause 30 and clauses 40 to 49).

Extending the remit of the Armed Forces Commissioner

Clause 30 and schedule 4 extend the powers and functions of the newly established Armed Forces Commissioner to the Royal Fleet Auxiliary (RFA). In addition to the general service welfare functions of the Commissioner, as set out in the [Armed Forces Commissioner Act 2025](#), schedule 4 also makes provision for the Commissioner to promote the welfare of RFA members and improve the general public's understanding of the welfare issues faced by members of the RFA.

There are, however, certain matters which are excluded from the Commissioner's investigatory powers. These include any complaint brought under policies applicable to RFA members as civil servants, or any complaint by, or on behalf of, a maritime trade union. These exempted issues arise because of the terms and conditions of service that RFA members hold as both civil servants and merchant seafarers.

The government has said that the cost of extending the remit of the Commissioner is expected to be minimal.⁷¹

Changes to the Visiting Forces Act 1952

The Visiting Forces Act (VFA) 1952 implements the provisions of the [1951 NATO Status of Forces Agreement](#) (SOFA) into UK law. Status of Forces agreements can be bilateral or multilateral in nature and provide for the governance and jurisdiction over foreign military forces operating in another state, with their consent.⁷² There is currently no provision in the NATO SOFA to refuse such as request.

Clause 40 of this bill amends VFA 1952 so that a service court of any visiting forces in the UK cannot pass a sentence of capital punishment. Nor can any such sentence passed in proceedings held outside of the UK be carried out in

⁷⁰ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para. 33

⁷¹ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para.516

⁷² See Commons Library briefing, [US forces in the UK: legal agreements](#) for information as to how the VFA 1952 applies to US forces in the UK.

the UK. The MOD has said the amendment is necessary to prevent the UK from ever being placed in a position which could potentially breach the UK's obligations under the European Convention on Human Rights.

Clause 41 also amends the VFA to enable State Parties to the NATO SOFA to negotiate over the primary of jurisdiction in cases involving concurrent jurisdiction, in the event of a dispute between the UK and a sending state.

Ministry of Defence Police (MDP)

Amendments are made to the [Ministry of Defence Police Act 1987](#) to:

- widen the power to make regulations so they also cover matters of governance and administration of the MDP
- allow regulations to be made to suspend an individual from their office of Constable
- make provision for any officer facing disciplinary proceedings, to be represented (clause 42)

Clause 43 amends the [Criminal Justice and Public Order Act 1994](#) to enable the cross-border enforcement powers in that legislation to be applicable to MDP constables.

Clause 44 amends the [Police \(Property\) Act 1987](#) so that unclaimed property in the possession of the MDP can be retained for police purposes.

Mental health provisions

Clause 45 and schedule 7 make provision for the temporary detention overseas of persons subject to service law or civilians subject to service discipline in urgent cases of mental disorder where certain conditions, set down in [schedule 12 of the Armed Forces Act 2006](#) have been met. The purpose of the provisions is to enable detention in suitable places other than an overseas service hospital.

Oil and Pipelines Agency

Amendments are made to the [Oil and Pipelines Act 1985](#) to extend the functions of the [Oil and Pipelines Agency](#) to those in connection with the production, transport, storage or supply of energy for defence purposes (clause 46).

Protection of military remains

Under the [Protection of Military Remains Act 1986](#) (PMRA) the Secretary of State for Defence has the power, by statutory instrument, to extend the provisions of the act to designated vessels that have been sunk or stranded while in military service, irrespective of whether its location is known. A place

which comprises the remains of a designated vessel and which lies in UK or international waters is known as a protected place. The act also allows the Secretary of State to designate any area which contains the remains of a vessel as a ‘controlled site’, thereby imposing certain restrictions upon activities in that area. In broad terms, the act makes it an offence to interfere with the remains of vessels within a protected place or controlled site, unless a license has been issued by the Secretary of State.

Clause 47 makes amendments to the PMRA to automatically protect all British military vessels that have been sunk or stranded while in military service. The same automatic protection will also extend to the remains of any foreign military vessel in UK territorial waters.

The overarching effect is that designation orders for ‘protected places’ will no longer be required. For a vessel to be designated as a ‘controlled site’, however, a designation order will still be required. The MOD has said that the legislative change will “align the approach to protecting vessels with the protection for aircraft” and will offer “a consistent approach to safeguarding the remains of service personnel”.⁷³

2.8 Territorial application and commencement

The armed forces bill extends to the whole of the UK, albeit with exceptions for specific clauses. [Annex A of the explanatory notes](#) (PDF) summarises the territorial extent and application of each clause (clause 52).

The changes that this bill makes to AFA 2006 may be extended to the Channel Islands by Order in Council (with or without modifications) (clause 53 (1)).

The provisions of the bill set out in clause 53 (3) extend to the Isle of Man and the British Overseas Territories, except for Gibraltar. The changes provided for in clause 30 and schedule 4 (the Commissioner’s functions relating to the Royal Fleet Auxiliary) may also be extended, with or without modifications, by Order in Council.

Measures within the armed forces bill do not apply to Gibraltar which passed its own Armed Forces (Gibraltar) Act in 2018. That act gives effect in Gibraltar law to certain provisions of the Armed Forces Act 2006. Further provisions or amendments can be made through powers conferred by [section 357 of AFA 2006](#).

Commencement provisions

The provisions in this bill relating to the Armed Forces Covenant (clause 1) and the Ministry of Defence Police (clauses 42 (1) and (4), 43 and 44) will come

⁷³ [Armed Forces Bill 2026 \(HCB367\). Explanatory Notes](#) (PDF), January 2026, para.496

into force on the day that the Armed Forces Act 2026 is passed (Royal Assent) (clause 54 (1)).

Provisions relating to punishments available to Commanding Officers (clauses 18 to 19), transfers between the regular and reserve forces (clause 31), parliamentary control over service numbers (clauses 38 to 39), the Ministry of Defence Police (clause 42 (2) and (3)), and the protection of military remains (clause 47) will come into force two months after the act is passed (clause 54 (2)).

The remaining provisions in the bill will come into force as specified in secondary legislation to be set down by the Secretary of State (clause 54 (3)).

3 Annex: How bills go through Parliament

Bills can be introduced in either the House of Commons or the House of Lords. They can be amended, but the entire text has to be agreed by both Houses before they can receive Royal Assent and become law. In both Houses, bills go through the same stages, although there are slight differences in the practices of the two Houses.

Commons stages

A bill that is introduced in the House of Commons will go through the following stages:

- First reading sees the formal introduction of a bill, when a clerk reads out the name of the bill in the Commons chamber. There is no debate at this stage. Bills cannot be published before their introduction. Government bills are usually published immediately after introduction.
- Second reading debate is the first time MPs debate a bill. They discuss the purpose of the bill. Debates are usually scheduled to take a full day (five to six hours). At the end of the debate, MPs decide whether it should pass to the next stage. Sometimes a ‘reasoned amendment’, which sets out the reasons to reject a bill, is tabled. If this is agreed to, or if the bill is simply voted down, the bill cannot make any further progress. No amendments are made to the bill itself at this stage.
- Committee stage is usually conducted by a small number of MPs (usually 17) in a public bill committee, but sometimes bills can be considered in detail in the Commons Chamber by all MPs in a committee of the whole House. The committee debates and decides whether amendments should be made to the bill and whether each clause and schedule should be included.

See Parliamentary procedure: An Armed Forces Bill Select Committee, for how the Armed Forces Bill differs.

- Report stage takes place in the Commons Chamber and involves MPs considering the bill as agreed at committee stage. MPs can also propose further amendments which can be voted on.
- Amendments at committee and report stages can leave out words, substitute words and add words, including whole clauses and schedules.

They can be proposed by backbench and frontbench MPs. The Speaker or the chair of the committee selects and groups amendments to debate.

- Third reading, usually on the same day as report stage, is the final chance for MPs to debate the contents of a bill before it goes to the House of Lords. It is usually a short debate and changes cannot be made at this stage in the Commons. At the end of the debate, the House decides whether to approve the bill and therefore pass it onto the House of Lords.

Lords stages

Bills introduced in the Lords go through the same process, completing all stages in the Lords before being sent to the Commons.

The House of Lords respects the Commons' primacy on financial matters and does not usually amend Finance Bills (those that implement the Budget) or money bills.

Members of the House of Lords debate the bill, going through the same stages as in the Commons. Crucial differences between the two Houses are that in the Lords, committee stage usually takes place on the floor of the House and a bill can be amended at third reading.

Most bills are considered by a committee of the whole House in the House of Lords. Some are referred to the Lords Grand Committee, which all members can attend. However, divisions (votes) are not permitted in the Grand Committee, and any amendments made have to be agreed to without a division.

The Lords can also make amendments to a bill. Major points of difference should have been resolved before third reading but amendments to "tidy-up" a bill are permitted.

No party has a majority in the House of Lords and government defeats are not uncommon. For bills that have started in the House of Commons, the Lords is essentially asking MPs to think again about the subject of the amendment.

'Ping pong'

If the Lords amend a bill that was sent from the Commons, the amendments are returned to the Commons and MPs debate the amendments proposed by the Lords. This is potentially the start of 'ping-pong', a process whereby amendments and messages about the amendments are sent backwards and forwards between the two Houses until agreement is reached.

Once agreement has been reached, the Bill receives Royal Assent, becoming law when both Houses have been notified that Royal Assent has been granted.

Amendments

MPs can submit amendments, via the Public Bill Office (PBO), at three different stages of a bill: committee stage, report stage and when a bill is returned from the Lords. Once the PBO accepts the amendment, it has been 'tabled'. If an MP wants to amend a bill during committee stage but is not a member of the committee, they will need a committee member to 'move' it for debate on their behalf.

In order to be debated, the amendment must be selected by the chair. Similar amendments may be grouped for debate to avoid repetition. For committee stage, selection and grouping is carried out by MPs from the panel of chairs chosen to chair the committee. If there is a Committee of the Whole House, the chair is the Chairman of Ways and Means (the principal Deputy Speaker). For report stage, it is the Speaker.

Amendments might not be selected for debate if they are, for example, outside the scope of a bill, vague, or tabled to the wrong part of a bill. The PBO can advise on whether an amendment is likely to be selected.

Further information on bill procedure

The [MPs' Guide to Procedure](#) has a [section on bills](#).

MPs who have questions about the procedure for bills or want advice on how to amend them should contact the [Public Bill Office](#).

The Library can provide information on the background and potential impacts of a bill and of amendments but cannot help MPs with drafting amendments.

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