Draft Order laid before Parliament under section 373(3) of the Armed Forces Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No. XXX

DEFENCE

The Armed Forces (Service Complaints) (Consequential Amendments) Order 2008

Made - - - -	*****
	in accordance with
Coming into force - -	*article 1(2)*

The Secretary of State makes the following Order in exercise of the powers conferred on him by section 379(1) of the Armed Forces Act 2006(**1**):

In accordance with section 373(3) of the Armed Forces Act 2006 a draft of this instrument was laid before, and approved by resolution of, each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Armed Forces (Service Complaints) (Consequential Amendments) Order 2008.

(2) This Order shall come into force on the day after the day on which it is made.

Amendment of Regulations

2.—(1) Regulation 38 of the Working Time Regulations 1998(**2**) shall be amended as follows.

(2) For paragraph (3) substitute—

"(3) For the purpose of paragraph (2)(b), a person shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service redress procedures —

(a) where the service redress procedures are those referred to in section 334 of the Armed Forces Act 2006, neither that officer nor a superior officer has decided to refer the complaint to the Defence Council, and the person who made the complaint fails to apply for such a reference to be made;

(**1**) 2006 c.52.
(**2**) S.I. 1998/1833, to which there are amendments not relevant to this Order.

(b) in any other case, the person who made the complaint fails to submit the complaint to the Defence Council under the service redress procedures."

(3) In paragraph (5) for the words "and section 130 of the Naval Discipline Act 1957" substitute ", section 130 of the Naval Discipline Act 1957 or section 334 of the Armed Forces Act 2006".

3.—(1) Regulation 13 of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000(**3**) shall be amended as follows.

(2) For paragraph (4) substitute—

"(4) For the purpose of paragraph (3)(b), a person shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service redress procedures —

(a) where the service redress procedures are those referred to in section 334 of the Armed Forces Act 2006, neither that officer nor a superior officer has decided to refer the complaint to the Defence Council, and the person who made the complaint fails to apply for such a reference to be made;

(b) in any other case, the person who made the complaint fails to submit the complaint to the Defence Council under the service redress procedures."

(3) In paragraph (6) for the words "and section 130 of the Naval Discipline Act 1957" substitute ", section 130 of the Naval Discipline Act 1957 or section 334 of the Armed Forces Act 2006".

4.—(1) Regulation 36 of the Employment Equality (Religion or Belief) Regulations 2003(**4**) shall be amended as follows.

(2) For paragraph (9) substitute—

"(9) For the purpose of paragraph (8)(b), a complainant shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service redress procedures—

(a) where the service redress procedures are those referred to in section 334 of the Armed Forces Act 2006, neither that officer nor a superior officer has decided to refer the complaint to the Defence Council, and the complainant fails to apply for such a reference to be made;

(b) in any other case, the complainant fails to submit the complaint to the Defence Council under the service redress procedures."

(3) In the definition of "the service redress procedures" in paragraph (11), for the words "and section 130 of the Naval Discipline Act 1957" substitute ", section 130 of the Naval Discipline Act 1957 or section 334 of the Armed Forces Act 2006".

5.—(1) Regulation 36 of the Employment Equality (Sexual Orientation) Regulations 2003(**5**) shall be amended as follows.

(2) For paragraph (9) substitute—

"(9) For the purpose of paragraph (8)(b), a complainant shall be treated as having withdrawn his complaint if, having made a complaint to an officer under the service redress procedures—

(a) where the service redress procedures are those referred to in section 334 of the Armed Forces Act 2006, neither that officer nor a superior officer has decided to

(**3**) S.I. 2000/1551, to which there are amendments not relevant to this Order.
(**4**) S.I. 2003/1660, to which there are amendments not relevant to this Order.
(**5**) S.I. 2003/1661, to which there are amendments not relevant to this Order.