

# Armed Forces Bill

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## *Commons Reason and Amendment in Lieu*

10.22 pm

*Motion A*

*Moved by Lord Astor of Hever*

That the House do not insist on its Amendment 6 to which the Commons have disagreed for their Reason 6A.

**The Parliamentary Under-Secretary of State, Ministry of Defence (Lord Astor of Hever):** My Lords, the debates on the subject of medals are further evidence of the strength of feeling in both Houses on this important matter. I acknowledge the conviction with which a number of noble Lords have pursued their concerns about the Pingat Jasa Malaysia medal and about aspects of the process for deciding what is to be done when other states wish to honour British subjects, particularly those who serve Her Majesty and their country.

In particular, I recognise the contributions made by the noble and gallant Lord, Lord Craig of Radley, the noble Lord, Lord Touhig, my noble friends Lord Palmer and Lord Lee, and many other noble Lords. There is widespread concern in this House and in the other place about whether it is time for a wide and independent review of the rules which guide the HD Committee in making its recommendations to Her Majesty. There is concern in particular about whether, in advising Her Majesty on the acceptance and wearing of the Pingat Jasa Malaysia medal in 2005 and 2007, the HD Committee made the right recommendations.

I must begin by making it clear what the Government will do in response to these concerns. First, I have consulted ministerial colleagues, including the Deputy Prime Minister, who have agreed that there should be a fresh review of the rules governing the award of military medals. This review will be conducted by an independent reviewer with full consultation with interested parties and will take account of the issues raised in this House during our previous debates. As part of this process, I will recommend that a solution needs to be found which addresses concerns about double-medalling and about rules setting fixed time limits for

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the award of decorations. The rules need to be reviewed from first principles to see whether they remain fit for purpose. My right honourable friend the Secretary of State for Defence has already written to the noble and gallant Lord, Lord Craig, stating that this is what we will do. If we are to allow this review to do its work thoroughly and effectively, we need the agreement of this House that the way forward is independent consideration of what improvements should be made to the current system of advising Her Majesty.

There is then the question of the Pingat Jasa Malaysia medal. In anticipation that we will be able to deal with this issue under current HD Committee rules and procedures, I have already commissioned an urgent HD paper recommending that holders of that medal be able to wear it with the approval of Her Majesty. I am confident that we are going to resolve the issue of the wearing of the PJM medal. Within the present architecture of the royal prerogative, the HD Committee will be able to progress this matter swiftly so that the PJM can be worn on Remembrance Sunday this year and thereafter without restriction.

I shall now speak to the Motion and explain why we should not accept the noble and gallant Lord's amendment. The issue now is not about the PJM medal. I have explained what we will do about that. And it is not about the rules applied by the HD Committee. There are strongly held concerns about those rules and I have said what we will do about them. The issue is not even about taking the opportunity to show respect and admiration for the Commonwealth. Even less does it provide support or recognition for Her Majesty as the head of the Commonwealth. What then are the issues relevant to the amendment? They are these. Is it right for Parliament now to overturn decisions taken by Her Majesty? Is it right for this House to establish a precedent for future interference in past and future decisions? Is it right for decisions on the award of medals to be decided and rules laid down and changed in the glare of parliamentary debate rather than dispassionately? And is it right, as the amendment would provide, to create a rule by which decisions on the acceptance and wearing of Commonwealth medals by members of the Armed Forces and the Civil Service are to be entirely a matter for the Commonwealth Government making the award?

My answer to these questions is this. First, by overturning past decisions that have been made on Commonwealth medals, it would establish a precedent that Parliament may overturn after any length of time any decision of the sovereign as the fount of honour. Secondly, it would establish a further precedent that Parliament is able to lay down and change rules which are to be applied to decisions on the acceptance of honours from foreign and Commonwealth countries. It would assert that Parliament can do so in a way which alters the fundamentals I have described of the existing arrangements, such as the need for a basically consistent approach to awards by all friendly and allied states. Thirdly, it would take away from the sovereign and, indeed, the United Kingdom any control over the acceptance of Commonwealth medals. Whenever a Commonwealth country awarded a medal or honour

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to members or former members of the Armed Forces or the Civil Service, that decision would be binding, even if it was against the wishes of our Armed Forces, of Parliament or of the sovereign.

**10.30 pm**

I attach a special value to our membership of the Commonwealth and to our connections with its members. They are of the greatest importance historically, culturally and constitutionally. But I do not believe that the amendment is the way to reflect our respect for the Commonwealth or for Her Majesty as head of it. Moreover, the amendment would create a different principle for the wearing of medals awarded by Commonwealth nations from that which applies to those awarded by other allies.

The operations in which our Armed Forces find themselves involved are increasingly international. British units work regularly alongside United Nations, NATO or EU partners. It would not be easy to explain to non-Commonwealth allies why the United Kingdom had decided to treat their awards on a fundamentally different basis from those offered by a Commonwealth nation. It would be even more difficult to justify to the members of our Armed Forces whom a non-Commonwealth country wished to honour.

Last, and perhaps of greatest concern in the long term, is the assertion which must underlie the amendment, that decisions on the award of honours and whether to change them are better made in the emotive and often party-political atmosphere of parliamentary consideration than in the detached and largely non-political approach envisaged in the arrangements set up by King George VI.

It would be wrong in principle for this House to lead the way towards such a new approach to decisions on honours, towards setting a precedent of interference in such decisions or towards a

diminution of Her Majesty's function. For these reasons, I cannot accept the noble and gallant Lord's proposed Motion A1 and urge noble Lords to support Motion A, that this House do not insist on the inclusion of the amendment in the Bill. I beg to move.

**Lord Craig of Radley:** My Lords, I beg to move Motion A1 and thus speak to my Amendment 6B, which I proposed as an amendment in lieu. In the latter part of his remarks, the Minister reminded the House of the Government's thinking on the issues that have been central to our debates on the medal amendments that the noble Lords, Lord Ramsbotham and Lord Touhig, and I tabled at the earlier stages of the Bill. Our responses to the Government's views are on the record of our earlier exchanges. I do not propose to dwell on them now other than to say that my colleagues and I repeatedly urged the Government to take action on two of the issues about which the Minister has just spoken.

I shall speak first about the Pingat Jasa Malaysia medal, the PJM medal, the subject of my Amendment 6B. This award was offered by the King and Government of Malaysia to members of Her Majesty's Armed Forces and other Crown servants for their contributions

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to that country's security in the difficult times of the Malayan emergency and, later, during confrontation with Indonesia. In 2007, acceptance of this award was recommended by the HD committee to Her Majesty for approval, but the committee did not recommend that the medal could be worn without restriction.

As I have explained in earlier debates on the Bill, many recipients have been unhappy about this, particularly as Australian and New Zealand recipients, alongside whom they saw service, were granted permission to wear the PJM medal at all times. The Minister has now assured the House that the HD committee will be making a further submission to Her Majesty and that, subject of course to her approval, these medals may be worn on Remembrance Sunday this year and thereafter. In the context of the Bill that is bringing the Armed Forces covenant into legislation, this is a most welcome approach of fair treatment of veterans who are the recipients of the PJM medal. On that understanding, I do not intend to press my Amendment 6B, which deals solely with the unrestricted wearing of the PJM medal, since the noble Lord's proposal may achieve the result that it seeks to secure by the more traditional path: that is, within the present architecture of the royal prerogative.

The other topic raised by the noble Lord relates to the workings and responsibilities of the HD committee, which has the most difficult and sensitive task of dealing with a variety of issues concerning medals and other rewards, particularly those of foreign Governments. I greatly welcome the Minister's reassurance that the time has come for an independent review of the HD committee. In moving our Amendment 6 in your Lordships' House on 10 October, I contended that there are some HD committee rules that,

"are not fit for purpose".-[*Official Report*, 10/10/11; col. 1348.]

On those grounds, I sought the view of the House and our amendment was carried. The arrangements that the Minister has just described will set in hand a thorough and independent look at the HD committee. In the light of the Government's position as just stated by the Minister, I attach great importance to the independent leadership of this review. I am grateful that it will consider in particular the no-double-medalling and fixed-time limits that have been the source of much unhappiness and concern over the years. I hope that the HD committee, as well as the whole House, will welcome the review.

I should also like to place on record my appreciation for the extremely considerate and open way that I and my colleagues have been treated in dealing with these matters. The new Defence

Secretary, in his most busy initial week, took time to discuss them with me and, as the Minister pointed out, has also written to me. The Minister has been most approachable and considerate; he is in full grasp of his brief and greatly admired in this House. It is a measure of his great contribution to the Bill that he was able to persuade his business managers and all the involved departments of Government that it was not realistic nor in the best interests of the Armed Forces and veterans to resist every amendment. Instead, he has contributed greatly to the Armed Forces Bill outcome, with which all should be content.

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I am full of admiration for the extremely hard work and commitment of the team of officials and service personnel whose most strenuous efforts have enabled us all to reach this accord. I hope that it is in order to commend them and thank them. I should be grateful if the Minister would pass on my appreciation and that of my colleagues.

I should rather have avoided dealing with any of these issues as grounds for party political discord. It is alien to me as an independent Cross-Bencher, particularly when dealing with matters that affect our Armed Forces. Nevertheless, I am most grateful to the more than 200 Members of your Lordships' House who supported our Amendment 6, which, along with other amendments, sent the Bill back to the other place. I am personally delighted that the end result has been agreed by negotiation and agreement, a smart win-win result for all sides.

This is a historic Bill since it introduces into the law of the land the Armed Forces convention, an arrangement that will prove to be most valuable and supportive to service personnel, veterans and their families. The Government are to be congratulated on bringing it into statute in this carefully considered manner. For the convenience of any debate, I formally move Motion A1, having made clear my intention about Amendment 6B.

**Lord Touhig:** My Lords, I welcome the statement from the Minister this evening about the Pingat Jasa Malaysia medal and the independent review of the operation of the HD committee. We have battled on this issue for years in the other place. Here in the House of Lords-I do not want to enter into the debate about a future appointed or elected House-we have achieved something that the elected House did not manage to achieve regarding the Pingat Jasa Malaysia medal. It is a great credit to all concerned that we have been able to do that.

I also think that the Minister's statement tonight sends out the positive message to a close and dear ally in Malaysia, a Commonwealth ally, that we respect the generosity of the king and the people of Malaysia in honouring those British servicemen who fought in that country. I certainly welcome the independent review of the HD committee. I can see that it has a difficult job but I am not entirely happy with the way that it has done it.

I do not think there is anyone in this House who does not have the highest regard and affection for Her Majesty the Queen, and no one would want to put her in a difficult position regarding the question of honours. I feel that it is the actions of the HD committee that have embarrassed Her Majesty in this respect by the way it advised her that the veterans should accept the medal but not wear it. Thankfully, that is being resolved this evening.

I am a great believer in fate, in the sense that I think that sometimes one faces an issue or a problem and someone comes along and solves it. I pay tribute to the Minister because I am not sure we would have achieved this without his personal efforts. He has been hard-working, honourable and

decent throughout this whole thing and has strongly represented the views of this House, and of many others outside, with regard to the veterans.

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I join the noble and gallant Lord, Lord Craig in his praise of the Minister's team because they have assisted the Minister in bringing about this decision. I cannot speak highly enough of the regard I have-and I am sure the whole House has-for the Minister. As for the noble and gallant Lord, Lord Craig, he has led from the front. He has been persistent and pushed hard, and worked with the Minister and lobbied. I do not know how many meetings he has had with the Minister, and I have to weigh the e-mails I have had from him about the progress he has made on this issue. We owe him a great deal.

I do not wish to detain the House any longer at this late hour. I can honestly say that as a Parliament and as a country, as a result of the Minister's statement tonight on the veterans of Malaysia, we have redeemed our honour.

**Baroness Finlay of Llandaff:** My Lords, I briefly add my thanks to those expressed by my noble and gallant friend Lord Craig of Radley to the Minister for his personal commitment to the Armed Forces and the veterans, his personal commitment to ensure that this House had a Bill that is now moving forward to become an Act in a much better condition, and the tireless way with which he and the Bill team have made themselves available to us all. Of course I am glad that he managed to negotiate that the amendment over inquests for military personnel was incorporated. The joy over that must not be diminished by disappointment over the defeat last night over the issue of the chief coroner-that is for another day. For tonight, sincere thanks are due to a Minister who has shown enormous commitment and has worked with us in this House to improve the workings. This has been this House at its best, and we are all grateful to him.

**Lord Lee of Trafford:** My Lords, I briefly pay tribute to the noble and gallant Lord for the way that he has led the campaign in your Lordships' House to improve the Bill, particularly in regard to the PJM medal. The Ministry of Defence-in the nicest way-does not have the reputation of being the most flexible of ministries, as indeed I know as a former Minister. However, on this occasion we have seen that the ministry has demonstrated flexibility and compromise, primarily because of the personal efforts of the Minister, who has worked tirelessly to build bridges and bring about a compromise. I pay tribute to him and his Front Bench colleagues for the work that they have done. We have seen during the passage of this Bill this House working together at its best. We have improved the Bill and we should be proud of what collectively has been achieved.

10.45 pm

**Lord Tunnicliffe:** My Lords, we on these Benches are content that the noble and gallant Lord, Lord Craig of Radley, is not going to press his amendment, and we are content with the outcomes on this issue. This is the last chapter in the Armed Forces Bill, and we are pleased with where it has got to. We are pleased on this issue and on the other issues where concessions have been achieved. It has been very pleasing that the

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Bill has engaged all sides of the House, and the contribution made by noble and gallant Lords in this specialist area has been particularly useful and has added to our debate, improving the outcome. That is also true of other people with significant service experience who have contributed.

I, too, thank the Minister for the way in which he has handled the Bill, and I thank his staff. We on the opposition Front Bench have been able to give the Bill proper scrutiny, much of it in private, which has saved time in the House, because of the co-operation that we have had. We are impressed and delighted, like everybody else, with the way in which the Minister has handled and crafted the concessions. However, it is a matter of raw political reality that this concession has come forward because of the fear of defeat in the Division Lobbies. Many of us have worked in government and we know the importance that the political reality of defeat brings to discussions. I am sure that the Minister has taken this pressure and used it very carefully. It is a matter of raw political reality that, without the fear of defeat, the PJM medal would not be worn this Remembrance Day, and it is highly probable that without the pressure of potential defeat in the Lobbies many other concessions would have not come forward.

This is a good Bill about just causes, and it is a good Bill because it has been a product of very good debates, but it is also a good Bill because of the political pressure that we have brought to bear from these Benches. The House can be properly and justly proud of this Bill, and we on these Benches are proud of our contributions.

**Lord Palmer of Childs Hill:** I would like to thank all noble Lords and particularly noble and gallant Lords for their work, and also my noble friend the Minister. The point that I would like to make is that acceptance of the Malaysian medal was approved; it was wearing it that was not. That was a rather strange situation. My only comment at the lateness of this hour is to hope that my noble friend the Minister enjoys wearing his medal at the earliest opportunity.

**Lord Astor of Hever:** My Lords, the passage of the Bill through your Lordships' House has presented a number of challenges, and I am delighted that we have been able to resolve them. I am very grateful to the noble and gallant Lord, Lord Craig, and all those other noble Lords for their very kind remarks this evening. As ever, I am grateful to noble Lords on all sides of the House for their help, support and unfailing courtesy. I echo what the noble and gallant Lord, Lord Craig, said about the excellent team of officials, and I will ensure that his full appreciation and thanks are passed on to them.

I also thank my noble friend Lord Wallace of Saltaire for his consistent support to me all the way through the Bill. I very much appreciated that.

Finally, I must pay tribute once again to the Armed Forces. This Bill is for them, and I believe that we deliver it in good shape.