

PERSONNEL, LEGAL, ADMINISTRATIVE AND GENERAL ORDERS

0801. APPLICATION FOR DISCHARGE ON GROUNDS OF CONSCIENTIOUS OBJECTION Sponsor: FLEET DCS Law

1. Any RN/RM officer or rating /other rank who claims to have developed a genuine conscientious objection to further service may apply for premature discharge without regard to length of service or the manpower situation in the branch. Whenever possible, the application should be accompanied by the individual's own written statement on the grounds on which he or she is applying.
2. It may be appropriate in certain cases to suggest that an applicant should defer his or her request for a week or two and give the matter further thought. Such a delay must however be of only short duration. Deferments of, for example, six months are not acceptable. If, after a short period of reflection, the officer/rating/other rank reaffirms the claim to conscientious objection, the application should be processed as soon as possible and the claimant should be informed of the financial and other consequences.
3. This discharge concession requires all cases to be examined with particular care to avoid abuse by those who simply wish to circumvent the normal PVR/Resignation procedures. It is, therefore, most important that the individual's Commanding Officer and the Chaplain should do all they can to establish the genuine nature or otherwise of the person's convictions. The Commanding Officer should then submit the application, together with a report and his personal recommendations to the appropriate Administrative Authority. The report should be as full as possible and should cover the following points:
 - a. The nature of the conscientious objection and how and when it began and an assessment of the veracity of the claim.
 - b. Information about the individual's service and conduct including details of operational experience, relevant offences and punishments awarded.
 - c. The individual's general bearing and behaviour and whatever is known about his or her influence on shipmates.
 - d. Whether the individual is due for a new appointment or drafting and at what date.
 - e. Details of any counselling he or she has sought and been given about conflicts between his or her personal beliefs and their military tasks.

RATINGS AND RM RANKS

4. Application is to be made in writing to the Commanding Officer. Applications made in accordance with this procedure will be decided on their merits by an Administrative Authority, such as the Commander-in-Chief Fleet, Chief of Staffs (Capability) or (Personnel and Support), Flag Officer Scotland Northern England and Northern Ireland, Flag Officer Sea Training or Flag Officer Training and Recruiting, as appropriate. Discharge if approved will be categorised as compassionate and release is to be effected as soon as possible. There is no entitlement to terminal leave. Service certificate and Form C25 are to be noted as follows:

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Service certificate	-	Compassionate
Form C25	-	Compassionate (NR)

Conscientious objectors are invariably to be assessed as "Not recommended for further naval service in accordance with BR8748 Article 1002".

OFFICERS

5. Officers who claim to develop a conscientious objection may apply to resign their Commission. Application is to be made in writing and is to include a detailed statement of the grounds on which the officer is applying. The Commanding Officer should then submit this application together with a report and personal recommendation through the appropriate chain of command and the officer's appointer to Fleet DCS Law. The report should be as full as possible but only need cover sub-paras 3a, c and e above. The information required by sub paras 3b and d will be provided by the Naval Secretary / DNCM. Where it is accepted that resignation, with immediate effect, is appropriate, the Admiralty Board will be invited to approve. While any outstanding Return of Service may be waived in these circumstances, it will be a condition of release that the officer must agree to repay any uniform or educational costs for which he is liable. If, however, there is considered to be no case for allowing the officer to resign on the grounds of conscience, the officer will be advised accordingly and will be free to apply for PVR in accordance with the terms of BR 8373 Chapter 41.

6. Young Officers. Resignation is only applicable to officers on the trained strength. Young Officers (YOs) who claim conscientious objection after their Premature Termination of Career Training point (PTCT) has passed may apply to voluntarily withdraw from training (VWFT – YOs may request to VWFT for any reason before the PTCT and this will normally be accepted). The procedure for making an application and the conditions are generally as described in paragraph 5 above. It will not, however, be necessary for Admiralty Board approval to be sought where it is accepted that a request to VWFT is appropriate. If there is considered to be no case for allowing a YO to VWFT on the grounds of conscience after the PTCT, he/she will be advised accordingly.

THE ADVISORY COMMITTEE ON CONSCIENTIOUS OBJECTORS

7. An Advisory Committee appointed by the Lord Chancellor is available to hear appeals by Service personnel who claim a conscientious objection to further service and whose applications have been turned down by the Services. This Advisory Committee conducts its hearings in public and tenders its advice to the Secretary of State for Defence's representative (in practice to the Head of DGLS-Sec. The Advisory Committee is also available to consider applications that might arise from Reservists in the event of recall.

APPEALS TO THE COMMITTEE ON CONSCIENTIOUS OBJECTORS

8. A successful appeal to the Advisory Committee will be accepted as decisive on the question of conscience and any person whose objection to further service is found by the Committee to be genuine will be granted a release under the terms of paras 4 or 5. Any person whose case is rejected by the Committee will be required

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to continue his or her Service, although they may of course apply for Voluntary Retirement in the normal way.

9. The procedure for an appeal to the Advisory Committee, which is separate from any statutory complaint under section 130 of the NDA, is as follows:

- a. The individual is to complete and sign the application in the format shown at Annex A and may include in it any written statement of his or her case which he or she desires to make.
- b. The Commanding Officer is to complete in duplicate the statement at Annex B to provide the necessary information and summary of the case for the Committee. He should forward both forms to Fleet DCS Law through the appropriate chain of command, which will add any other relevant information to the initial application.
- c. DCS Law will forward the application, together with any supporting papers, to DGLS-Sec1, the secretariat branch for the Committee. C&L(F&S)Legal 3 will convene a hearing and advise all participants accordingly.
- d. As the Committee prefers an officer with personal knowledge of the appellant to attend the hearing, the Commanding Officer should state in his covering letter whether such an officer can be made available and if so, state their name.
- e. Arrangements for the hearing of the case, the attendance of the witnesses etc, will be notified to the Commanding Officer. It is the responsibility of the appellant to notify his or her representatives and or witnesses of the arrangements for their attendance.
- f. The finding of the Advisory Committee will be promptly notified to the Commanding Officer by PL(LS) Legal 3 and he is to inform the individual without delay. If the appeal is successful, discharge of ratings/ranks will be authorised by the authorities listed in BR8748 Article 1009.2 (Change 19). Discharge of officers will be endorsed by the Admiralty Board and notified by NAVSEC/DNCM/ DCS Law.

GENERAL NOTES

10. The procedure is unconnected with the commission of disciplinary offences. Should offences be committed, whether or not they are alleged to have been committed on grounds of conscience, they must be dealt with in the usual way. If appropriate, this point should be explained to any person professing conscientious objection, but if the applicant commits an offence which may be relevant to the case while a decision by the Administrative Authority or the Advisory Committee is pending, this should be reported without delay.

11. While submission of an application will not in itself be regarded as justifying interference with normal drafting/appointing, the Commanding Officer should draw special attention when submitting his reports to any overseas drafts/appointments that may be imminent. The procedure will extend to any persons serving overseas

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under normal peacetime conditions at the time of their application or appeal and they will, if necessary, be brought home (costs to be borne locally) to appear before the Advisory Committee as soon as practicable.

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ANNEX A TO
PLAGO 0801

APPLICATION FORMAT FOR THE ADVISORY COMMITTEE ON
CONSCIENTIOUS OBJECTORS

1. Applicant's Name

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Number

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Rank/Rating

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Unit/Ship

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2. I declare that I have a conscientious objection to performing military service and I hereby apply to have my case considered by the Advisory Committee on Conscientious Objectors.

Signature

Date

3. Do you intend to be represented before

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the Advisory Committee?

If so, please state the name, address,

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profession and/or relationship to

.....

you of the representative,

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4. Do you intend to be accompanied by

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a witness?

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If so, please state the name, address

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and relationship to you, if any, of

.....

the witness.

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5. The space below may be used for any written statement that you may wish to make. Such a statement should be signed by you.

Signature

Date

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ANNEX B TO
PLAGO 0801

FORMAT FOR STATEMENT CONCERNING APPLICANT TO BE COMPLETED BY
COMMANDING OFFICER FOR INFORMATION OF THE ADVISORY COMMITTEE

1. Service Number
2. Rank/Rating
3. Full Names (Block letters - surname first)
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4. Ship/unit
.....
5. Date of birth
6. Date of enlistment/joining on current engagement
.....
7. Nature of commission/engagement and date of completion
.....
8. Amount of service on previous engagements (if any)
.....
9. Length of service in present unit/ship and where stationed
.....
10. If warned for overseas service or sea service when due to depart and/or
destination
.....
11. Date of arrival overseas on current tour
.....
12. Civilian occupation
.....
13. Branch/trade
.....
14. Home address before enlistment
.....
15. Present home address
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16. Marital status
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17. If married, date of marriage
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18. State ages and sex of children (if any), and give details of any other
relatives/dependants living at applicants address

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19. Conduct of applicant

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20. Brief particulars of relevant past offences and punishments awarded

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21. A brief summary of the facts of the case:

22. Any further information which the Commanding Officer considers should be brought to the notice of the Advisory Committee:

Name and Rank

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Signature

Date