



From: DCDS Pers Secretariat  
Zone J, Seventh Floor,  
**MINISTRY OF DEFENCE**  
Main Building, London, SW1A 2HB.

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Our Reference:  
16-04-2010-123806-002

Date: 20 April 2010

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Dear XXXXX,

Thank you for your correspondence dated 16 April which has been considered to be a request for information in accordance with the Freedom of Information Act 2000. It has been passed to my department and I have been asked to respond.

You asked the following question:

**“I am writing an essay on selective conscientious objection rights within the military and I am having difficulty locating any set procedure as to how military personnel would seek a claim. I would be most grateful if you could offer me some guidance as to where I might find such procedural protocol, or offer me a reason as to why I cannot find it or why I am not allowed to view it, if that is the case.”**

The policy on conscientious objectors within the Armed Forces is:

Personnel serving in the British Armed Forces are all volunteers. However, the Ministry of Defence has a well-established appeal procedure for Service personnel who, during their service, develop a genuine conscientious objection to further military service. Such cases are handled administratively by the Service concerned and are first considered by the individual's chain of command. If the conscientious objection is considered to be genuine, arrangements are made for the applicant to be discharged on compassionate grounds. If there is doubt as to the genuineness of the claim, it is rejected. But the applicant is advised that he or she may appeal to the Advisory Committee on Conscientious Objectors (ACCO). This Committee is independent of the MOD and its members are appointed by the Lord Chancellor. It conducts its hearings in public and tenders its advice to the Secretary of State for Defence's representative. A successful appeal to the Advisory Committee is invariably accepted by the Department as decisive on the question of conscience and the applicant will immediately be granted a release from military service.

The ACCO was established in 1970 to hear appeals from Service personnel whose applications to leave the Service on grounds of conscience have been rejected by the Service Authorities. Members of the ACCO are appointed by the Lord Chancellor. The panel consists of 8 individuals, of whom the Chairman and the Vice and Deputy Chairman must all be Queen's Counsel. A quorum for a meeting of the Committee is a

chairman together with two lay members. Hearings are held in public, and the procedure is informal. There is no swearing-in of witnesses, and, although the witnesses and the appellant may be questioned, there is no cross-examination.

If the ACCO reject an appeal for discharge on the grounds of conscientious objection, the appellant is interviewed by their Commanding Officer and informed of the ACCO's decision. The appellant is also informed that he or she must continue their military service under the same conditions that applied to them before the ACCO heard their plea, until such time as they retire or are allowed to resign, if an officer, or are discharged on completion of their engagement or allowed to purchase their discharge, if a Serviceman or woman. The appellant is advised that they continue to be subject to Service discipline. However, they are not prevented from resubmitting their case, provided that there is additional and relevant evidence to be heard. In such cases the whole appeals procedure is repeated. Bearing in mind the independence of these procedures, there is no question of unfair dismissal.

I hope that you find this information helpful.

Yours sincerely

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In keeping with the spirit and effect of the Freedom of Information Act, all information is assumed to be releasable to the public unless exempt. The MOD therefore will be simultaneously posting the information you requested, together with any related information that will provide a key to its wider context, in our online FOI Disclosure Log at <http://www.foi.mod.uk>.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Head of Corporate Information, 6th Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end. If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.gov.uk>.