



Ministry  
of Defence

## Frequently asked questions: Qualification of Administrative Discharge and Restoration of Rank

Information and answers on the review, support, services, and restorative measures available for LGBT Veterans.

### **Qualification of Administrative Discharge**

#### **What is an Administrative Discharge Qualification?**

The Qualification of Administrative Discharge means that those discharged under the Ban – from 1967 to 2000 – can have their records updated to record the Ban as the reason for discharge. This will remove any blame or dishonour from veterans.

This qualification will set right the records of veterans who suffered under the Ban, recognising that the policy, and their discharge, was wrong and demonstrating the regret of Defence.

#### **How do I apply for Administrative Discharge Qualification?**

Veterans and Persons of Sufficient Interest can apply to have an Administrative Discharge qualified by [completing the relevant application form on the GOV.UK website](#).

If you have already submitted an application form, and would like to update or confirm your application for an Administrative Discharge Qualification, please email the LGBT Restorative Action Team at: [LGBT-RestorativeAction@mod.gov.uk](mailto:LGBT-RestorativeAction@mod.gov.uk).

#### **Do I need to apply for the Qualification of my Administrative Discharge or the Restoration of my Rank?**

Veterans impacted by the Ban are encouraged to apply for the:

- Qualification of Administrative Discharge if they believe they were discharged based on their actual or perceived sexual orientation or gender identity.
- Restoration of Rank if they believe they were reduced in rank in connection to such a discharge or dismissal.

Defence is unable to proactively reach out to individuals who may have been administratively discharged or had their rank reduced. Due to the length of time that has passed since the Ban was lifted, and differences in record keeping at the time, the Government has no comprehensive way of identifying those impacted.

## **What is the eligibility for an Administrative Discharge Qualification?**

Veterans can have an Administrative Discharge qualified if they were administratively discharged solely because of their sexual orientation or gender identity. For more information about the Administrative Discharge Qualification, [visit the GOV.UK website](#).

**Please note**, veterans who received an Administrative Discharge because of a conviction for same-sex sexual activity will first need to apply for a disregard of their conviction(s) through the [Home Office's Disregard and Pardon scheme](#). Affected veterans are invited to apply for a Disregard by completing the Home Office's application form and sending it to Disregard Case Working Team by email or post.

## **What happens if I am successful in gaining an Administrative Discharge Qualification?**

Successful Administrative Discharge Qualification will mean records held by the Ministry of Defence will be updated with the wording: 'Discharge was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful'.

## **I left Service due to my sexual orientation/gender identity, but was not administratively discharged, can I get my discharge reason updated?**

Defence is only able to change the reason for discharge for those that were administratively discharged because of their sexual orientation or gender identity.

## **Can LGBT veterans have historical convictions for same-sex offences Disregarded?**

The Home Office's [Disregard and Pardon scheme](#) enables anyone convicted or cautioned for consensual same-sex sexual activity under abolished laws to apply to have them 'disregarded' – meaning it will be wiped from their criminal records.

Defence encourages affected veterans to apply for a Disregard by completing the Home Office's application form and sending it to the Disregards Case Working Team by email or post.

**Please note** that this is a Home Office process, and Defence is unable to influence the time it takes to complete a disregard assessment.

## **I did not receive an administrative discharge, but was instructed to resign due to my sexual orientation or gender identity?**

Administrative discharges include Officers who were instructed to resign as a result of an administrative process.

## **Restoration of Rank**

### **What does restoration of rank/commission mean?**

Restoration of Rank will ensure that veterans who had their rank reduced as part of their dismissal or discharge under the Ban (1967 – 2000), will have their rank restored back to what they rightfully earned in Service.

It will also enable Officers, who had their commission terminated under the Ban, to have their commission retired. This will enable those eligible to use their retired rank in correspondence.

The Restoration of Rank and commission aims to restore veterans' pride in their Service, and recognises the achievements made during their Service.

### **How do I apply for restoration of rank/commission?**

Veterans and Persons of Sufficient Interest, whose rank was reduced, can apply for restoration by completing the [relevant application form on GOV.UK](#).

If you have already submitted an application form, and want to update or confirm your application for the restoration of rank/commission, please email the LGBT Restorative Action Team at: [LGBT-RestorativeAction@mod.gov.uk](mailto:LGBT-RestorativeAction@mod.gov.uk).

### **What is the eligibility for restoration of rank/commission?**

Veterans can have their commission or rank restored to what it was immediately before dismissal or discharge, if they were demoted as a consequence of discharge or dismissal, based solely on sexual orientation or gender identity. For more information about the Restoration of Rank, [visit the GOV.UK website](#).

**Please note** that veterans who were reduced in rank/commission as part of an administrative discharge will also need to apply to have their discharge qualified. This will enable records to show that the discharge was due to a historic policy and was not the fault of the veteran before their rank/commission can be restored.

### **Can veterans have their rank increased to what it would have been if they had not left Service due to the Ban?**

Rank can only be restored to what it was immediately before dismissal or discharge where there was a demotion as a consequence of discharge or dismissal pursuant to the Ban.

Defence is unable to restore a veteran's rank to a level higher than what they held in Service, as recorded in their Service record.

## **What happens if I am successful, and rank/commission is restored?**

Successful restoration will mean that the veterans' rank/commission will be restored on records – held by the Ministry of Defence for the veteran – to the rank that was held immediately prior to reduction.

Veterans will then be able receive a new Certificate of Service with their rank that was rightfully earned in Service. Additionally, Officers only can apply to have their Service details published in The Gazette, as an alternative to reinstating them to the Service Retired Lists, as these are no longer published.

## **Why has it taken so long to announce these measures?**

The Qualification of Administrative Discharge and Restoration of Rank are complex restorative measures that make permanent amendments to the Service history of individuals. Therefore, it was vital that they were well thought out to ensure the best possible outcomes for veterans.

This included making amendments to Service legislation, such as King's Regulations, to create a new discharge reason, and to ensure that no reserve or call out liability was unintentionally applied to veterans.