



Ministry  
of Defence

# Guidance for Decision Makers for Veterans of the Ban

For the qualification of administrative discharges  
and restoration of rank



27 February 2026  
Version 2

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## About this guidance

1. This guidance advises Decision Makers within the single Services on how to assess applications for the qualification of administrative discharges and restoration of rank, against the conditions set out in the relevant policies.
2. The qualification of administrative discharge and restoration of rank apply to administrative discharges and reductions in rank made under the policy prohibiting homosexuality in HM Armed Forces between 27 July 1967 and 12 January 2000.
3. Guidance on how to apply for all restorative measures are on GOV.UK: [LGBT veterans: support and next steps.](#)

## Publication

This is version 2.0 of the guidance which was published on 27 February 2026. This document will be kept up to date. Amendments to subsequent versions will be made in the table below

Version	Date	Title	Summary of change
1.0	12 Dec 2024	Initial issue of document	N/A
2.0	27 Feb 2026	Purpose of the policy	Added lines to clarify the purpose of the policies, legal advice & appeal process.

## Introduction

4. This section sets out the background to the restorative measures of qualifying past administrative discharges and restoring rank lost based on sexual orientation or gender identity.

## Background

5. The Ministry of Defence and the Office for Veterans' Affairs co-commissioned the [LGBT Veterans Independent Review](#) in 2022 to better understand the experiences, impacts and implications of the 1967-2000 policy, which prohibited LGBT personnel from serving in HM Armed Forces.
6. The Review, published in July 2023, gave 49 recommendations to the Government, including 14 recommendations of non-financial restorative measures for those affected. The Government accepted the intent behind all 49 recommendations in its [formal response](#), published in December 2023.
7. Included in the 14 recommendations of non-financial restorative measures were the recommendations for the qualification of past administrative discharges and the restoration of rank lost due to dismissal or discharge under the Ban, to which this guidance refers.
8. If an application for the qualification of administrative discharge is successful, Service records held by the Ministry of Defence will be amended or annotated to record the discharge reason as "Discharge was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful." This will remove any blame or dishonour from veterans.
9. If an application for restoration of rank is successful, Service records held by the Ministry of Defence will be amended or annotated to record the applicant's rank as the restored rank, and any references to a reduction in rank will be removed or annotated. It aims to restore veterans' pride in their Service and recognises their achievements during their Service.
10. The aim of these policies is to set-right the Service records of veterans who were impacted by the Ban on LGBT personnel between 1967 and 2000, and to restore veterans' pride in their service.

## Authority for restorative measures

11. Implementation Order MOD/LGBTRestorativeAction/IO/001 provides the direction for the implementation of these Restorative measures.
12. The Defence Council has directed the single Services to support and enable the implementation of these Restorative measures and to take all necessary actions to give effect to their implementation. This includes making necessary amendments to King's Regulations, Defence Council Regulations, Instructions and Service policy, as appropriate.
13. The single Services have additionally taken all necessary actions to ensure the exemption of applicants from any liability to call out or recall where this would arise as a result of the qualification of administrative discharge or restoration of rank. Should an applicant wish to retain liability to call out or recall, this will be considered on a case-by-case basis.
14. The relevant changes can be found in the following single Service documents:

### **Army**

- a. Qualification of administrative discharges, both prior to 1967 and under the Ban – QR(A) and SToS.
- b. Restoration of rank, both prior to 1967 and under the Ban – QR(A), SToS and ACR.
- c. Exempt liability for recall or call out – RLFR (Admt 7)

### **Royal Air Force**

- a. Qualification of administrative discharges prior to 1967 – AP3393 (Vol 1) and KR (RAF).
- b. Qualification of administrative discharges under the Ban – AP3393 (Vol 1).
- c. Restoration of rank, both prior to 1967 and under the Ban – KR (RAF).
- d. Exempt liability for recall or call out – AP3392 (Vol 7)

### **Royal Navy and Royal Marines**

- a. Qualification of administrative discharges, both prior to 1967 and under the Ban – BRd 3(1)
- b. Restoration of rank, both prior to 1967 and under the Ban – BRd 3(1)
- c. Exempt liability for recall or call out – BR3(2)

## The Application process

### Receiving an application

15. This section explains the process that should be followed when an application for the qualification of administrative discharge and/or rank restoration is received by the Ministry of Defence.
16. The Ministry of Defence can only consider applications submitted using the relevant application form on the GOV.UK page: [LGBT veterans: support and next steps](#), or upon request, via hard-copy. If an application is submitted in any other way, the Defence LGBT Restorative Action team will advise the applicant to resubmit using the specified form. The applicant's details will not be passed onto single Service teams at this stage.
17. However, if it is already clear from the information that the applicant has provided that a qualification or rank restoration cannot be granted (for example, because the discharge was outside of the time period of the Ban), the Defence LGBT Restorative Action team will advise the applicant that they are not eligible for the restorative measures and will explain the reason why.

### Application form and administrative checks

18. Upon receipt of an application, the Defence LGBT Restorative Action team will review it and ensure that all personal and contact information has been provided in full and that the service dates provided fall within the period of the Ban. The application will then be passed to the relevant Service for processing.
19. If the applicant has not completed all mandatory sections of the application form, or something they have stated requires clarification, the Defence LGBT Restorative Action team will contact the applicant via their preferred method of communication. The LGBT Restorative Action Team will request information before proceeding with the application.
20. The Service point of contact will then call for all relevant Service records for the applicant and will complete initial eligibility checks, confirming that the details on the application form match those in records, and that the applicant served under the Ban. Service records will be sought from physical storage sites on the Defence estate as well as historic electronic databases which may still hold relevant records.
21. Once initial eligibility checks have been completed, the Service point of contact will gather all relevant information from Service records to make a recommendation on the application for qualification of administrative discharge and/or rank restoration.

## Assessment

22. Once all relevant Service records for the applicant have been obtained, the Service point of contact should review the records to determine whether the conditions for each restorative measure have been met. This recommendation should then be shared with the decision maker, alongside any relevant evidence, for final agreement.
23. Decision Makers for each Service shall be the Naval Secretary, Air Secretary and Director of Personnel (or their delegates) for applicants/deceased veterans of OF6 rank and below. For applications for veterans above OF6, the Defence Council shall be the Decision Maker who may delegate the decision-making function to the Admiralty Board, Air Force Board or Army Board.
24. In the assessment of these restorative measures, a reverse burden of proof will apply. This means that the burden of proof will lie with Defence rather than the applicant to determine whether a fact or matter occurred. Unless Defence finds evidence to contradict the conditions for the Qualification of Administrative Discharge or Rank Restoration. Defence will accept that the facts or experiences reported by the applicant took place if on a balance of probabilities, they are more likely to have occurred than not.

## No action required

25. If records show that the applicant left Service through a method other than administrative discharge or dismissal, or that there was no reduction in rank, no action will be required. In these circumstances, the Service point of contact should send an "update letter" to the applicant, explaining clearly why their application will not be processed.
26. Individuals who left at the end of their contract, or who purchased their discharge as of right, or who opted not to extend their contracts, or who left the Service at the end of their notice period having submitted their notice to terminate their contracts, would not qualify for a Qualification of Administrative Discharge.

## Unclear or insufficient evidence in records

27. Though records may exist, they are likely to vary in the level of detail that they provide. They may not include information which directly states sexual orientation/gender identity as the reason for discharge/reduction in rank. Each application must be considered on its own merits, taking into account all of the information that is available, on a balance of probabilities approach. This will enable you to decide whether it appears that the conditions are met.

## Conditions for the qualification of administrative discharge

28. A person may apply for qualification of their administrative discharge if they meet all of the following criteria:

a. The person was discharged from HM Armed Forces as a consequence of administrative action on the grounds of:

- i. Sexual orientation, or
- ii. Gender identity.

b. The discharge took place between 27 July 1967 and 12 January 2000.

c. There is no evidence of other misconduct, which wholly or partly constituted grounds for the administrative discharge, i.e. it is clearly based solely on the Ban.

d. The grounds for discharge, if occurring at the time the decision on the application is made, would not be lawful grounds for discharge.

29. Any connected conviction has been Disregarded under the Home Office Disregard and Pardon Scheme (Apply to remove a conviction for gay sex offences on GOV.UK).

30. This can be applied to Officers who were ordered or instructed to resign or retire by their respective Service Board as a result of an administrative process, solely on the basis of their actual or perceived sexual orientation or gender identity during the Ban. If a resignation is recorded as the reason for discharge, and there is no evidence of an administrative procedure, or the administrative procedure was not based on sexual orientation, the applicant should be given the opportunity to provide supporting evidence. In the absence of this, the application should be rejected.

## Conditions for the restoration of rank

31. A person may apply for restoration of rank and/or commission if the following qualifying criteria are met:

- a. The demotion of rank or termination of commission was a consequence of administrative discharge or dismissal on the ground of:
  1. sexual orientation, or
  2. gender identity.
- b. The demotion took place between 27 July 1967 and 12 January 2000.
- c. The demotion took place immediately prior to discharge or dismissal.
- d. Any connected conviction or administrative discharge has been Disregarded under the Home Office Disregard and Pardon Scheme ([Apply to remove a conviction for gay sex offences on GOV.UK](#)) or qualified under restorative measures being provided by Defence ([LGBT veterans: Apply for restorative measures on GOV.UK](#)).
- e. There is no evidence of other misconduct which may have warranted demotion, i.e. it is based solely on perceived sexual orientation or gender identity.

### The discharge/demotion of rank was on the grounds of sexual orientation or gender identity.

32. The administrative discharge and/or reduction in rank must have been based solely on perceived or actual sexual orientation or gender identity. This may not be explicit in records but can be determined by the absence of another reason for discharge/reduction in rank and good conduct ratings prior to the discharge/reduction in rank.

### The discharge/demotion of rank took place between 27 July 1967 and 12 January 2000.

33. The administrative discharge and/or reduction in rank must have taken place in the period of the Ban, 27<sup>th</sup> July 1967 and 12 January 2000.
34. Administrative discharges which took place under the Ban will be qualified with the wording “discharge was pursuant to a policy subsequently held by the European Court of Human Rights to be unlawful.” Where character limits apply, a shortened version will be used.

## The demotion took place immediately prior to discharge/dismissal.

35. Since the policy in place during the Ban directed that LGBT personnel were dismissed or discharged from Service, reductions in rank based on sexual orientation/gender identity would only have taken place as part of a discharge or dismissal. Therefore, only rank which was reduced as part of, or immediately prior to, discharge or dismissal can be restored.

## Any connected conviction or administrative action has been disregarded or qualified.

36. Any related convictions must have been disregarded by the Home Secretary through the Disregard and Pardon scheme prior to a qualification of administrative discharge or rank being restored. Please note that the Disregard and Pardon scheme is owned and managed by the Home Office and therefore Defence cannot influence the timescale of Disregard application outcomes.
37. Applications for the qualification of administrative discharge can be made at the same time as applications for restoration of rank, through the same application form. If an administrative discharge connected to a reduction in rank cannot be qualified, due to the presence of another reason for discharge, the Ministry of Defence cannot be sure that a reduction in rank would not have occurred and therefore it cannot be restored.

## There is no evidence of other misconduct.

38. For the decision to be made to qualify an administrative discharge, or restore a rank lost during the Ban, there must be no evidence of other misconduct, which may have contributed to an administrative discharge and/or reduction in rank, in whole or in part. Misconduct, which was addressed separately, and prior to the discharge/dismissal to which the reduction in rank is connected, should not be taken into account.

## The grounds for discharge would not be lawful grounds today.

39. Administrative discharges for behaviour that is still grounds for discharge today cannot be qualified. For example, sexual activity with recruits remains grounds for discharge, regardless of the sex of the individuals involved. If there is doubt as to whether behaviour would constitute grounds for discharge today, the Service point of contact should seek guidance from Service lawyers and include the advice in their recommendation to decision makers. Decision makers may wish to seek further advice if appropriate.

## Final determination

40. Once all available and relevant records have been reviewed, the Service point of contact should produce a recommendation for the decision maker, seeking advice from Service lawyers, when appropriate, and including this in the submission to the decision maker. The decision maker should come to a determination as to whether the qualification of administrative discharge and/or rank restoration can be granted and inform the Service point of contact.
41. If the application is granted, the Service point of contact will send an outcome letter and requests for amendments or annotations to data controllers and an outcome letter to the applicant. Records held electronically on the Data Preservation Repository system will be amended and an insert will be placed into your Electronic Data Management (EDM), while physical records will be annotated in the most suitable method available. An annotation slip will also be added to physical records to permanently supersede any references to the former rank and/or discharge reason.
42. If it does not appear that the conditions for a qualification and/or rank restoration are met, the application/s should be rejected and an outcome letter to this effect sent.

## Appeals and review process

43. An applicant has the right to request an appeal against a qualification of administrative discharge or restoration of rank and/or commission outcome.
44. **Appeal Criteria.** An applicant may request that their application is reconsidered under this policy on one or more of the following grounds:
- a. That there was a material error of fact within the original decision on the application.
  - b. That there was a material procedural error in the processing of the application.
  - c. That there is new evidence that was not considered as part of the original application, and it is likely that the outcome of the application would have been materially different if the new evidence had been available in making the decision on the application.
45. Appeals will only be accepted if they meet at least one of the appeal criteria set out above.
46. Applicants may request an appeal form by emailing the LGBT Restorative Measures Team (email: [LGBT-RestorativeAction@mod.gov.uk](mailto:LGBT-RestorativeAction@mod.gov.uk)). Applicants must submit an appeal request within three calendar months of the date of their application outcome letter. The three calendar month period may be extended if there are compassionate or personal reasons why the applicant did not or could not raise the Appeal Request within three calendar months. The reason should be supported by evidence.
47. If the Appeal Request does not meet the criteria for an appeal, the applicant will be informed by the Defence LGBT Restorative Action Team.
48. An applicant may submit up to two Appeal Requests. If an applicant is informed that their first Appeal Request does not meet the appeal criteria, they will have the option to submit a second Appeal Request. Applicants submitting a second Appeal Request will have a further two weeks from the date of the first appeal decision letter to do so and must submit the relevant forms to the Defence LGBT Restorative Action Team. If the second Appeal Request does not meet the criteria, this will conclude the application and appeal process, and no further Appeal Requests will be permitted.
49. **If an appeal is accepted**, Defence will arrange an Appeal Board which consists of: at least one member of the Defence Restorative Action team; at least one member of the relevant Service, who was not involved in the original decision; at least one lawyer from the relevant Service and at least one Senior Civil Servant, who will act as Chair. The Appeal Board will review any evidence available, including any new evidence provided by the applicant, and come to a decision. The Defence LGBT Restorative Action Team will inform the applicant of the outcome in writing.

50. If an Appeal Request meets the appeal criteria and proceeds to the Appeal Board for judgement, no further Appeal Requests may be submitted. An applicant cannot appeal against an Appeal Board judgement.
51. **Withdrawal of an Appeal Request.** An applicant may withdraw their Appeal Request in writing at any time. Withdrawal of the appeal will revert the application to the position it was in prior to the appeal, and the previously issued qualification of administrative of discharge or restoration of rank and/or commission outcome will remain extant.