



House of Commons
Defence Committee

**Exposing Walter
Mitty: The Awards for
Valour (Protection) Bill:
Government Response
to the Committee's
Fourth Report**

**Sixth Special Report of Session
2016–17**

*Ordered by the House of Commons
to be printed 31 January 2017*

The Defence Committee

The Defence Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Ministry of Defence and its associated public bodies

Current membership

[Dr Julian Lewis MP](#) (*Conservative, New Forest East*) (Chair)

[Douglas Chapman MP](#) (*Scottish National Party, Dunfermline and West Fife*)

[James Gray MP](#) (*Conservative, North Wiltshire*)

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[Gavin Robinson MP](#) (*Democratic Unionist Party, Belfast East*)

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[John Spellar MP](#) (*Labour, Warley*)

[Bob Stewart MP](#) (*Conservative, Beckenham*)

[Phil Wilson MP](#) (*Labour, Sedgefield*)

The following was also a Member of the Committee in the course of the inquiry:

[Jim Shannon MP](#) (*Democratic Unionist Party, Strangford*)

Powers

The committee is one of the departmental select committees, the powers of which are set out in the House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

Committee reports are published on the Committee's website at www.parliament.uk/defcom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry page](#) of the Committee's website.

Committee staff

The current staff of the Committee are James Davies (Clerk), Dr Adam Evans (Second Clerk), John Curtis (Committee Specialist), David Nicholas (Committee Specialist), Eleanor Scarnell (Committee Specialist), Ian Thomson (Committee Specialist), David Gardner (Senior Committee Assistant) and Carolyn Bowes (Committee Assistant)

Contacts

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Sixth Special Report

The Defence Committee published its Fourth Report of Session 2016–17, entitled [Exposing Walter Mitty: The Awards for Valour \(Protection\) Bill](#) on 22 November 2016. The Government’s response was received on 23 January 2017 and is appended to this report.

Appendix: Government response

The Government notes and welcomes the House of Commons Defence Committee’s inquiry, ‘Exposing Walter Mitty: The Awards for Valour (Protection) Bill’ and the findings set out in the Committee’s report published on 22 November 2016. We would like to highlight that the Government is supportive of the Private Member’s Bill sponsored by Gareth Johnson MP.

This support was announced by Harriet Baldwin MP, Minister for Defence Procurement, during the Second Reading of the Bill on 25 November 2016. Following that announcement the Government is positively working to support the Bill as it proceeds through Parliament.

The Government’s responses to the Committee’s specific recommendations and conclusions from their report are detailed in the paragraphs below.

1. We do not agree with the justifications provided by the Ministry of Defence for repealing offences relating to the protection of decorations without replacing them. If the offences in the Army Act 1955 were unsuitable to be directly transposed, the Armed Forces 2006 Act should have included new, more workable offences which were well scoped and which incorporated appropriate exceptions. (Paragraph 12)

The Government is supporting the Private Member’s Bill sponsored by Mr Johnson and is positively working to support the Bill as it proceeds through Parliament.

2. We question the contention that the prevention of a financial or other tangible gain was the most important element of these offences at the time they were drafted. It may have been an important consideration in the 1955 Act, but if the prohibition was intended to be confined to financial or other tangible gains, then it must be questioned why such matters were not specified in the offences. Incidents involving military imposters may arise which do not fall within the ambit of the Fraud Act, and these would go unpunished. As we set out later in our Report, military imposters perpetrate a specific harm that mandates a specific prohibition, rather than relying on offences of more general application. (Paragraph 13)

The Government is supporting the Private Member’s Bill sponsored by Mr Johnson and is positively working to support the Bill as it proceeds through Parliament.

3. We also disagree that offences involving an intention to deceive which are not related to fraud may raise practical difficulties on questions of proof. Such offences do exist: for example, the offence of police impersonation under section 90 of the Police Act 1996. Therefore, we conclude that the legal concept of deception is sufficiently well established for this not to cause major difficulties. (Paragraph 14)

The Government acknowledges the Committee's view that they disagree that offences involving an intention to deceive which are not related to fraud may raise practical difficulties on questions of proof and their conclusion that the legal concept of deception is sufficiently well established not to cause major difficulties.

4. The precise level of incidence of the behaviour the Bill aims to prevent is difficult to determine because statistics on previous infringements have not been recorded in a form allowing accurate identification of the relevant offences. The assessment of Service charities in encountering military imposters also seems to vary. There remains however, a body of strong anecdotal evidence that points to military imposters being a continuing problem. (Paragraph 21)

The Government agrees that there is a body of anecdotal evidence that points to military imposters being a continuing problem within our society, some of which was highlighted by those who gave evidence to the Committee. We also agree that it can cause undue distress to genuine recipients and veterans and potentially their families when imposters wear decorations to which they are not entitled.

5. Both the sponsor of the Bill and the other witnesses took the view that the unauthorised and deceitful use of military decorations and medals is a harm that is worthy of specific criminal prohibition. We support their arguments that such behaviour is not only insulting to the rightful recipients of these awards, but also damages the integrity of the military honours system and the bond of trust and respect between the public and the Armed Forces. (Paragraph 24)

The Government acknowledges the view of the Committee, Mr Johnson and other witnesses who provided evidence to the Committee that the unauthorised and deceitful use of military decorations and medals is a harm that is worthy of specific criminal prohibition. We also acknowledge the arguments that such behaviour is insulting to the rightful recipients of the awards and that it damages the integrity of the military honours system.

6. The enactment of criminal prohibitions should always merit the most serious consideration. We conclude that there is a tangible and identifiable harm created by military imposters against members of society who should rightly be held in its highest esteem. Therefore, we believe that specific prohibitions to mitigate this harm are justified. (Paragraph 25)

The Government is of the view that the protections sought in the Bill are necessary to safeguard the integrity of the military honours system and that it can cause undue distress to genuine recipients, veterans and their families when imposters wear decorations to which they are not entitled. The Government acknowledges the Committee's view that the enactment of criminal prohibitions should always merit the most serious consideration.

7. Criminalisation of the unauthorised and deceitful wearing of decorations and medals is commonplace in many other jurisdictions, to such an extent that a lack of similar protection in the United Kingdom can be viewed as exceptional. Other countries have not sought to repeal these longstanding protections and we believe that the anomalous position of the United Kingdom should now be corrected. (Paragraph 30)

The Government is supporting the Private Member's Bill sponsored by Mr Johnson and is supporting the Bill as it proceeds through Parliament.

8. We recommend that the Ministry of Defence should set out the practicalities of creating an online, publicly-searchable database to record those who are rightful recipients of gallantry and distinguished conduct awards, along similar lines to the database instituted by the US Department of Defense. This would allow authoritative verification of claims to entitlement and act as a deterrent to military imposters, whose deceptions would be liable to swift and accurate exposure. (Paragraph 31)

A publicly-searchable database already exists to record those who are rightful recipients of gallantry and distinguished conduct awards as all the announcements of their award to individuals by name are already made in the London Gazette. The London Gazette is already published in hard copy and is also available on line.

If the Government were to consider creating any other sort of searchable database of awards it would require thorough consideration. This would need to involve consultation across Government Departments regarding the associated Security and Data Protection issues.

There is also the question of the scale of such a project. As an example, the Operational Service Medal for Afghanistan alone was issued to 150,000 recipients. A decision would also need to be made, with careful deliberation, as to who would be responsible for and maintain such a database as it is likely to be resource intensive.

9. Criminal offences need to be properly defined in order to provide certainty about what is being placed on the statute book. Without that certainty, offences may be interpreted by the courts in a way that Parliament did not intend. The rules regarding eligibility within the military honours system are complex and categorising awards is not straightforward. (Paragraph 38)

The definition of criminal offences in order to provide certainty about what is being placed on the statute book will be taken into account as work progresses on Mr Johnson's Private Member's Bill.

10. We conclude that those awards to be covered by the Bill should be listed in a Schedule, or by reference to an authoritative external list. (Paragraph 39)

The Government agrees with the Committee's conclusion and those awards to be covered by the Bill will be listed in a Schedule as work progresses.

11. The inclusion of a defence to ensure that family members representing deceased or incapacitated relations who are recipients of medals is vital, but 'family member' must be properly defined to ensure that there is no room for uncertainty or abuse. We suggest that the Bill include a definition of 'family member' in order to provide certainty over who will be covered by this category. (Paragraph 42)

The Government recognises the Committee's interest in including a defence in the Private Member's Bill to protect family members representing deceased or incapacitated relations who are recipients of medals. This issue will be considered as work progresses on the Private Member's Bill.

12. The appropriate level of penalty has clearly been considered in some detail by the Bill sponsor. We are broadly satisfied that the boundaries of penalties proposed—a period of imprisonment not exceeding six months or a fine—are appropriate. (Paragraph 44)

At the Second Reading of the Private Member's Bill on 25 November 2016 the level of penalty considered was a maximum of three month's imprisonment or a fine. The level of the fine will be different in different jurisdictions.

13. We are satisfied that the creation of new offences relating to decorations and medals would not encroach upon the legislative competences of the devolved institutions. (Paragraph 47)

The Government agrees with the Committee that the provisions of the Private Member's Bill do not encroach on the legislative competencies of the devolved institutions.

14. The case law of the European Court of Human Rights suggests that a successful challenge would be unlikely. This possibility will be reduced further if the Bill is clearly scoped and contains offences which are unambiguous in their application and extent. (Paragraph 50)

The Government acknowledges the Committee's view that the case law of the European Court of Human Rights suggests that a successful challenge would be unlikely and this will be reduced further by ensuring the Bill is clearly scored and contains unambiguous offences.

15. We conclude that the protections sought in the Bill are necessary to safeguard the integrity of the military honours system, to reflect the justifiably strong public condemnation of the deceitful use of military honours, and to ensure that legitimate recipients of these distinguished awards should not have to endure the intrusion of imposters. (Paragraph 53)

The Government agrees with the Committee's view that the protections sought in the Bill are necessary to safeguard the integrity of the military honours system, to reflect the strong public interest in this issue and to ensure the achievements of legitimate recipients of these rewards are not lessened by the acts of imposters.

16. We support this Bill and are confident that the refinements we suggest in our Report can be addressed either at Second Reading or during the Committee Stage of the Bill. We look to the Government to endorse the Bill and to facilitate its passage through Parliament. (Paragraph 54)

As we announced during the Second Reading of the Private Member's Bill on 25 November 2016, the Government supports it and welcomes the Committee's interest in this subject. We will continue to support the Bill as it proceeds through Parliament.

23 January 2017