



## Pingat Jasa Malaysia Medal

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In March 2005 the Malaysian Government approached the Foreign and Commonwealth Office to request permission to award the commemorative Pingat Jasa Malaysia medal to British veterans who had served in operations in Malaya or Malaysia between August 1957 and August 1966.

Following a review of the *Rules Governing the Acceptance and Wearing of Foreign Orders, Decorations and Medals*, the FCO announced on 31 January 2006 that permission for eligible veterans to receive the Pingat Jasa Malaysia medal had been granted by HM The Queen. However, permission was not granted for veterans to wear that award.

This note sets out the general rules on accepting and wearing foreign medals, the decision to approve the conferral of the Pingat Jasa Malaysia medal, and recent attempts in the House of Lords to amend the *Armed Forces Bill* in order to allow Malaysian veterans to wear the PJM.

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**1 Background**

The granting of honours and decorations has long been considered a prerogative power of the Sovereign, exercised with the advice of the Government.<sup>1</sup>

The process by which a British medal is instituted has been in place for many years. In the case of a campaign medal, the Commander-in-Chief of a particular campaign may make a recommendation for an award if they consider that service in that theatre, or under particularly rigorous circumstances, justifies the institution of a medal. That recommendation is passed to senior military officers who, if they are in agreement, submit the case to the Chief of the Defence Staff (CDS). If CDS approves the proposal the Secretary of State for Defence submits the case to the Committee on the Grant of Honours, Decorations and Medals, which is often referred to as the HD committee, through the Ceremonial Officer at the Cabinet Office. Following agreement by the HD committee, the case is then submitted to The Sovereign for approval. This process can take up to two years.

Since the end of the World War Two the HD committee has maintained a policy whereby it will not consider the institution of awards and medals for service given many years earlier or the institution of awards and medals for a theatre of operation which has already been recognised, what is commonly referred to as “double medalling”. On the issue of non-retrospection, the HD Committee considered that it could not put itself in the place of the Committee making the original decision who would have been able to take into account the views of the Government and other interested parties at the time.<sup>2</sup>

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<sup>1</sup> Ministry of Justice, *The Governance of Britain: Review of the Executive Royal Prerogative Powers: Final Report*

<sup>2</sup> [Hhttp://www.veterans-uk.info/medals/instituted.html](http://www.veterans-uk.info/medals/instituted.html)H

In February 2002 the HD committee met to discuss this policy of non-retrospection. The committee concluded that its policy would remain in force and that consideration would not be given to cases where service had taken place more than five years previously.

There have, however, been a number of exceptions to this rule made over the years. In 2003, for example, the Government announced that an exception to this rule had been approved with respect to those veterans who had served in the Suez Canal Zone between 1951 and 1954. Exception has also been granted to a number of medals conferred by foreign governments. In 1994, for example, permission was granted for the Russian 40th Anniversary of Victory Medal to be awarded to veterans of the allied Arctic convoys.<sup>3</sup>

## **2 Rules Governing the Acceptance and Wearing of Foreign Orders, Decorations and Medals**

Successive Governments have adopted very strict rules on the acceptance and wearing of foreign medals and awards by British citizens.

The *Rules Governing the Acceptance and Wearing of Foreign Orders, Decorations and Medals* were originally contained in the Foreign and Commonwealth Orders Regulations 1969. They have since been re-issued, in more detail, and a copy has been placed in the Library of the House (ref: MGP 05/2687).

In summary, those rules set out the following principles and guidelines:

- No UK citizen may accept and wear a foreign award without The Sovereign's express permission.
- Permission for a UK citizen to accept an award offered by a foreign state will only be considered if the award recognises specified services rendered to the interests of that foreign state.
- Permission to accept a foreign award will not be given if a UK award for the same service has been, or is expected to be, awarded.
- Requests made in respect of services rendered more than five years previously, or in connection with events in the distant past (e.g. commemorative awards), will not be considered.
- Each request will be considered on a case-by-case basis. Approval of a similar application in the past does not imply that permission will automatically be granted.
- Approval will only be considered for awards given by Heads of State or Government recognised as such by The Sovereign. It will not be considered for foreign awards conferred by private societies or institutions, with the exception of international organisations such as the UN, NATO or the EU.

Permission to accept and wear a foreign award will be granted on either:

- An unrestricted basis – allowing the award to be worn on any occasion.

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<sup>3</sup> It should be noted that approval for the award of the Russian 50th Anniversary of Victory Medal was subsequently denied in 1995.

- A restricted basis – allowing the award to be worn only on particular occasions associated with the foreign state that conferred it.

However, unrestricted permission will only be considered for foreign awards conferred for services under the following circumstances:

- Relating to saving, or attempting to save, a life.<sup>4</sup>
- By any member of the UK Armed Forces or other UK official on exchange, loan or attachment to a foreign state who is involved in a military operation or emergency on behalf of that state.
- By any member of the UK Armed Forces serving in a UK unit within a bi-lateral force under the command of another country who renders special service to the country's forces in a military operation or emergency.
- In military operations under the auspices of an international organisation such as the UN or NATO.

The granting of restricted permission will also only be considered in the case of foreign awards conferred in the following circumstances:

- On the occasion of, and in connection with a State or official visit by a Head of State or Government.
- In connection with a State visit by The Sovereign.
- To members of Special Missions when The Sovereign is represented at a coronation, wedding or funeral or other similar occasion; or on any Diplomatic Representative when specially accredited to represent The Sovereign on such occasions.

In all other circumstances permission (unrestricted or restricted) will not be granted to Crown servants generally; to Heads or other members of HM Diplomatic or Consular establishments abroad; and senior officials, whether military or civilian, visiting foreign states.

Applications by a foreign government to confer a medal must be made in the first instance to the Honours Secretariat at the Foreign and Commonwealth Office. The Secretariat, in conjunction with the Ceremonial Secretariat of the Cabinet Office through the Committee on the Grant of Honours, Decorations and Medals will then take the decision on whether to seek approval from The Queen.

On the whole, approval for the conferral of a foreign medal is rarely given and any foreign medals that are conferred are generally acknowledged to be regarded as 'keepsakes' and are not generally intended to be worn.

## **2.1 Examples of Conferred Foreign Medals**

There are a number of examples since the Second World War where countries have been given approval to confer medals on British Service personnel or ex-Service personnel. In a letter placed in the Library of the House in July 1990 the MOD set out those countries which,

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<sup>4</sup> This includes medals issued by life saving societies and institutions, although any medals conferred must be worn on the right breast.

at that time, had been granted permission to confer an award, although it did not provide any detail on the particular medals concerned. Those countries were as follows:

Brunei

Ceylon

Ghana

India

Jamaica

Kenya

Malawi

Malaya

Malaysia

Nigeria

Oman

Pakistan

Sierra Leone

Singapore

Uganda

United Arab Emirates

Vanuatu

Zimbabwe.<sup>5</sup>

In 1994 permission was also granted for the Russian 40<sup>th</sup> Anniversary of Victory Medal to be awarded to veterans of the allied Arctic convoys.<sup>6</sup>

It is also not without precedent for foreign medals to be awarded but permission to wear them to be denied. Following the Gulf War in 1991 the Kuwaiti Liberation Medal was awarded to British Service personnel by the Government of Kuwait. To date, permission to wear that medal has been denied. In addition, permission to wear the Saudi Arabian Medal for the Liberation of Kuwait, which was subsequently awarded in 1992 to all British personnel who had served in the Gulf conflict, was only granted to a small handful of those personnel in receipt of that award.<sup>7</sup>

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<sup>5</sup> Letter from The Earl of Arran to Derek Conway, 26 July 1990

<sup>6</sup> Further information on this award is available in Library Standard Note, SN/IA/2880, *Retrospective Medal Campaigns*. It should be noted that approval for the award of the Russian 50<sup>th</sup> Anniversary of Victory Medal was subsequently denied in 1995.

<sup>7</sup> *Medals Yearbook 2010*

### 3 The Pingat Jasa Malaysia Medal (PJM)

In March 2005 the Malaysian government approached the Foreign and Commonwealth Office (FCO) to request permission to award its new commemorative Pingat Jasa Malaysia (PJM) Medal to British veterans who served in operations in Malaya or Malaysia between August 1957 and August 1966.

On 14 June 2005 the then Foreign Secretary, Jack Straw, indicated that a review of the rules governing the award of foreign medals, and in particular the five-year rule and the rules regarding awards with a British equivalent (referred to as double-medalling),<sup>8</sup> would be undertaken with regard to the potential award of the PJM. He stated:

The question of seeking permission for the Pingat Jasa Malaysia Medal to be accepted and worn by British citizens was raised formally by the Malaysian authorities in March, when their Deputy Prime Minister spoke to me about it. We have subsequently received more details about the proposal from the Malaysian High Commission. In the light of the Malaysian Government's request to present the Pingat Jasa Malaysia medal to British Citizens, I have asked for certain principles of the Government's rules governing the accepting and wearing of foreign awards to be reviewed.<sup>9</sup>

On 31 January 2006 the Foreign and Commonwealth Office announced that, on review of the rules, approval had been given on this occasion for the Pingat Jasa Malaysia medal to be awarded to eligible veterans. However, permission for recipients to wear the medal would not be granted.

An FCO Written Ministerial Statement outlined:

The Pingat Jasa Malaysia (PJM) is a commemorative medal which the Government of Malaysia would like to award to eligible British citizens, for their service in Malaya or Malaysia between 31 August 1957 and 12 August 1966.

The Committee on the Grant of Honours, Decorations and Medals (the official Committee which advises Her Majesty the Queen on matters of honours policy) has recommended that an exception to two of the long-established rules governing the accepting and wearing of foreign (including Commonwealth) awards be made, to enable the Malaysian Government to present the PJM. Her Majesty the Queen has been graciously pleased to approve this recommendation.

This exception to the rules means that all of the many thousands of eligible former members of the armed forces/veterans, and others, may receive the PJM. This will be in addition to the British General Service Medal (with appropriate Malaya/Borneo clasp) that many veterans will have been eligible to receive for their service in Malaya/Borneo.

Permission to wear the PJM will not, however, formally be given. It is long standing Government policy that non-British medals will not be approved for events or service:

- that took place more than five years before initial consideration, or in connection with events that took place in the distant past (e.g. commemorative medals);

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<sup>8</sup> The General Service Medal 1918-1962 and the Naval General Service Medal 1914-1962 with the Malaya bar, and the General Service Medal 1962 with the Borneo or Malay Peninsula bar has been awarded for service in these theatres of operation.

<sup>9</sup> HC Deb 14 June 2005, c326-7W

- if the recipient has received a British award for the same service.

However, Her Majesty's Government welcome, and believe it is important to recognise, the generous gesture by the King and Government of Malaysia, and their wish to acknowledge the service given by veterans and others in the years immediately after Malaysian independence. The exception recommended reflects this and our strong and important relationship with Malaysia.

The Committee on the Grant of Honours, Decorations and Medals reviewed the five-year and double medalling rules, and considered that, while there were sound reasons why they should be retained, there will be occasions when specific circumstances require exceptions to the rules to be recommended. When such exceptions are contemplated, the Committee will consider each request on a case by case basis, taking into account any special circumstances at the time. The fact that a similar request has been approved in the past will not mean that permission will be granted in future cases.

Applications for the PJM, and its subsequent distribution will essentially be a matter for the Malaysian authorities, in collaboration with the relevant British Government Departments. Large numbers may be involved. It will take some time for the applications to be processed and for the medal to be distributed. The Malaysian High Commission and the relevant British Government agencies will work together to determine eligible applicants. Veterans' organisations and service and regimental associations will also be involved.<sup>10</sup>

Eligibility for the award was outlined as follows:

Those members of the United Kingdom Force who were on the posted strength of a unit of formation and served in the prescribed operational area of Malaysia and Singapore, in direct support of operations in Malaysia for 90 days or more, in the aggregate, as follows:

- (1) Malaysia during the period 31 August 1957 and 12 August 1966 inclusive; or
- (2) Singapore during the period 31 August 1957 and 9 August 1965 inclusive.<sup>11</sup>

The medal would also be issued posthumously to an eligible individual's next of kin.

### 3.1 Review of the PJM Decision

The decision of the HD Committee to allow the PJM to be received but not to be worn has been met with extensive criticism, in particular from veterans groups,<sup>12</sup> who have highlighted the contrasting decision of the Australian and New Zealand Governments to grant permission to veterans to both receive and wear the PJM.

The HD Committee subsequently agreed in March 2007 to review its original decision. However, the Committee concluded that its original decision should be upheld. In answer to a Parliamentary Question the then Foreign Secretary, Margaret Beckett, commented:

Given the strength of feeling of some individuals, the committee considered the matter again very carefully. After examination of the issues involved, the policies underpinning the operation of the UK honours system and particular application of these policies in the case of the PJM, it concluded that the original decision to allow exceptions to two

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<sup>10</sup> HC Deb 31 January 2006, c11-12WS

<sup>11</sup> National Malaya and Borneo Veterans Association, *Application for the Pingat Jasa Malaysia Medal*

<sup>12</sup> See for example: [Hhttp://www.fight4thepjm.org/H](http://www.fight4thepjm.org/H)

of the major principles of the British Honours System—the double medalling rule and the five year rule—should be upheld. Entitled individuals will continue to be allowed to accept the PJM, but there is no official permission to wear it.

In re-affirming the decision of 31 January 2006, the committee was aware that it would disappoint those who wish to wear the PJM, but they hoped that all who had been involved would understand that the decision reflected a major exception to the normal rules on acceptance of foreign medals. Exceptions to the rules are made only in exceptional circumstances, and in reaching its decision, the committee considered the importance of British involvement in the Malaysian campaign in the histories both of Malaysia and the UK in the years 1957-66, the generous gesture by the King and Government of Malaysia, as well the principles on which the British Honours System is based. Similar exceptions were made for medals from the Saudi and Kuwaiti Governments after the First Gulf War.<sup>13</sup>

A statement re-affirming that decision and setting out, in detail, the arguments supporting the HD Committee's stance was subsequently published in summer 2007. A copy of that statement is available online at: <http://www.archive.org/web/web.php> (6 and 11 June 2007 entries).

On 8 August 2007 HM The Queen did, however, grant permission for the medal to be worn during the main independence celebrations in Malaysia between 15 August and 9 September 2007.

#### **4 Applications for the Medal**

In the first instance, individuals are advised to approach their own veterans' organisation with a view to asking them to co-ordinate applications on behalf of its members. As much of the following information should be provided:

- Name
- Current address and telephone number
- Service number
- Regiment, Corps or Squadron during service in Malaysia
- Approximate dates of service in Malaysia
- Whether a British General Service Medal with the appropriate clasp for service in Malaya or Borneo has already been awarded.

A number of organisations, including the National Malaya & Borneo Veterans Association (NMBVA), have agreed to assist in the verification of applications for this award. A list of participating organisations, along with an application form, is available online at:

<http://www.veterans-uk.info/medals/pingat.html>

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<sup>13</sup> HC Deb 23 March 2007, c1225W



As of 1 May 2011 all new applications for the PJM must be sent direct to the Malaysian High Commission in London. Only applications supported by proof of service will be considered. The address is as follows:

Office of the Defence Advisor

Malaysian High Commission

45 Belgrave Square

London

SW1X 8QT

Applications should **NOT** be sent directly to the Ministry of Defence, the Service Personnel and Veterans Agency or the Foreign and Commonwealth Office.

## 5 Ongoing Campaign

Veterans groups have continued to express criticism of the Government's position on the right to receive and wear the PJM medal, and have conducted a concerted campaign over the last few years to get the decision overturned.

One campaign organisation, Fight4thePJM, has specifically argued that the rules on the award of foreign medals are neither longstanding nor are they consistently applied. In particular they have highlighted a notice that was published in the London Gazette in May 1968 in which permission was granted by HM The Queen for individuals, who are not crown servants, to wear all foreign medals which have been accepted:

**THE LONDON GAZETTE, 3RD MAY 1968**

**5057**

### **FOREIGN OFFICE COMMONWEALTH OFFICE**

**ORDERS, DECORATIONS AND MEDALS CONFERRED BY MEMBERS OF THE COMMONWEALTH OF WHICH THE QUEEN IS NOT HEAD OF STATE, AND BY FOREIGN COUNTRIES.**

**The QUEEN has been graciously pleased to approve that Orders, Decorations and Medals conferred with Her Majesty's permission upon United Kingdom citizens not being servants of the Crown by the Heads or Governments of Commonwealth countries as defined above, or of foreign States, may in all cases be worn by the recipients without restriction.**

In response to this point, the Cabinet Office has argued however that veterans who served in the Armed Forces during the Malaya conflict were doing so as Crown Servants and therefore this notice is not applicable.<sup>14</sup>

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<sup>14</sup> A letter dated 22 March 2007 from the Cabinet Office to the organisation set out the Cabinet Office's position on this issue. A copy of that letter is available from: <http://www.fight4thepjm.org/H>

A copy of that group's submission to the ongoing Medals Review (see below), in which it outlines its case for the PJM decision to be reviewed, is available at: [www.fight4thepjm.org/documents/MoD\\_Medal\\_Review\\_Submission.pdf](http://www.fight4thepjm.org/documents/MoD_Medal_Review_Submission.pdf)

## 5.1 Government Review of Honours and Decorations

In its 2010 *Armed Forces Manifesto* the Conservative Party set out a commitment to review the rules governing the award of medals should they form the next Government.

That review, which is currently underway, will address four issues:

- The principles underpinning the award of medals
- Operational medals currently awarded to the armed forces
- The award of foreign medals
- Medals for past service.<sup>15</sup>

In answer to a Parliamentary Question on 11 February 2011 the MOD confirmed:

The review of the rules governing the award of medals is considering the principles underpinning the award of medals. In doing so, appropriate consideration will be given to how the rules have been applied to past decisions on medals, including the Pingat Jasa Malaysia Medal...<sup>16</sup>

The MOD confirmed that the role and membership of the HD Committee would not be considered as part of that review, as the Committee's governance is a matter for the Cabinet Office.<sup>17</sup>

The Secretary of State had suggested during a debate on 16 February that the report would be published before Easter 2011.<sup>18</sup> However, at the time of writing the conclusions of that review are still being awaited.

## 5.2 Amendments to the Armed Forces Bill 2011

During Lords Third Reading of the *Armed Forces Bill* on 10 October 2011, Peers agreed an amendment to the Bill that would make provision for all medals awarded by Commonwealth governments to be worn without restriction. That amendment specifically mentions the Pingat Jasa Malaysia medal (see amendment 6 of the [Lords Amendments to the Armed Forces Bill](#)).

Debate over the PJM during the Lords stages of the Bill has been extensive and support for the decision on the medal to be reviewed was widespread.

However throughout the Lords stages of the Bill the Government's position on this amendment remained consistent. Although not expressly mentioning the Royal Prerogative, the Government made it clear that the award of medals was a decision for the Sovereign, while also highlighting that the granting of medals, including the decisions taken on the PJM and other campaign medals, is currently subject to a Government review. At Third Reading Lord Astor summed up the Government's position thus:

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<sup>15</sup> HC Deb 8 February 2011, c55WH

<sup>16</sup> HL Deb 11 February 2011, c92WA

<sup>17</sup> HL Deb 11 February 2011, c93WA

<sup>18</sup> HC Deb 16 February 2011, c1038

The position of the Government on the fundamentals of how the system should work remains the same as that of the last Government, when in 2007 the HD committee considered for a second time the Pingat Jasa Malaysia medal. It is the same position as has been held by every previous Government since King George VI established the HD committee.

The foundations of this position are quite simple. First, when British citizens, whether civilian or military, carry out their duties to the sovereign and their country, it is for the sovereign to decide on the award of honours for that service.

Secondly, the advice given to the sovereign about the grant of honours should be consistent across government-expert and, so far as is possible, dispassionate. Decisions on whether to reward service should not be made in the glare of public debate or potential party political argument about the wider political context in which that service was given.

Lastly, there should be consistency in our response to the wishes of all states, foreign or Commonwealth. In particular, our response to all our allies and friends should be consistent. I do not pretend that absolute consistency has been, or can always be, maintained. Sometimes exceptions are, and no doubt will be, made. But it is nearly always when exceptions are made that unfairness or anomalies are likely to occur.

The amendment would have two direct effects. First, it would lay down for the future a new rule about medals-that those awarded a Commonwealth medal shall be entitled in all circumstances to wear it. Secondly, it would apply this rule to Commonwealth medals awarded in the past. These include, as the amendment specifies, the PJM medal.

In doing so, the amendment would also have a number of indirect effects. By overturning past decisions that have been made on Commonwealth medals, it would establish the precedent that Parliament may overturn-and after any length of time-any decision of the sovereign as the fount of honour. Her decision is needed on the full details of what is proposed, as to both the acceptance and the wearing of medals. The amendment would overturn, specifically, past decisions on Commonwealth cases. I need hardly say that it is Her Majesty who is Head of the Commonwealth, not Parliament.

It would establish a further precedent that Parliament is able to lay down and change the rules which are to be applied to decisions on the acceptance of honours from foreign and Commonwealth states. It would assert that Parliament can do so in a way which alters the fundamentals that I have described of the existing arrangements, such as the need for a basically consistent approach to awards by all friendly and allied states.

Equally profound in its implications is the argument that must underlie this amendment-that decisions on the award of honours, and whether to change decisions previously made, are better made in the emotive and often party political atmosphere of parliamentary consideration, than with the detached and largely non-party political approach envisaged in the arrangements set up by King George VI. I believe that it would be wrong in principle for this House to lead the way towards such a new approach to the award of honours. As to the particular new rule that the amendment would put in place, I simply point out that it would create a different principle for the wearing of medals awarded by Commonwealth nations from that which applies to those awarded by other allies [...]

It would not be easy to justify to non-Commonwealth allies, or to those individuals whom they wish to reward, why the United Kingdom had decided to treat their awards on a fundamentally different basis from those offered by a Commonwealth nation.

That does not mean that I do not attach a special value to our membership of the Commonwealth and to our connections with its members. They are of the greatest importance, historically, culturally and constitutionally. But I do not believe that the creation of the distinction which this amendment would make between our Commonwealth and other friends is the way to reflect our respect for the Commonwealth.

Neither does it mean that I do not understand the force of the points that have been made in these debates about particular cases, and about the way that the process works, or is perceived to work. I have therefore instructed Ministry of Defence officials to consider the process by which advice about the institution of medals and the acceptance of foreign awards in respect of military service is put together, considered and submitted to Her Majesty.

As I explained on Report, this work will also consider the way that decisions are promulgated. My officials will ensure that they have the benefit of the views of the current chiefs of staff and they will discuss the issue with HD committee members. They will then consider whether any advice should be given to Her Majesty about the need to review the process and to make changes. Once my officials have reported back to me, I shall report the outcome to Parliament through a Written Ministerial Statement. I aim to do so before the end of the year.

On the issue of the PJM specifically Lord Astor went on to state:

I shall put in hand, through my officials, representations to members of the HD committee about these issues, with a request that their advice to Her Majesty is to consider again whether those who have been awarded the medal should be permitted to wear it. Again I shall report the outcome to Parliament through a Written Ministerial Statement, and I aim to do so before the end of the year.

He concluded by cautioning against setting a precedent for Parliament to overturn the decisions taken by Her Majesty on the award of medals, and by implication what is a long established prerogative power:

for the reasons that I have explained, I do not believe that it would be right, in order to improve the system, for Parliament to overturn Her Majesty's decisions or to establish a precedent for laying new rules. Such an approach would not in my view support the essential merits and aims of the existing system, or support Her Majesty in carrying out her role as the fount of honour.

For those reasons, I cannot support the noble and gallant Lord's proposed amendment, and I would urge noble Lords to reflect extremely carefully before starting down the road it represents.

Further information on the Lords amendments to the *Armed Forces Bill* is available in Library briefing [SN06083](#). The debate on the PJM in the Lords is available in Hansard: <http://services.parliament.uk/bills/2010-11/armedforces/stages.html>