

Parliamentary Bureau - Legislative Consent Memorandum

Northern Ireland Troubles Bill (UK Legislation)

Introduction

1. Under Rule 9B.3.5, the Parliamentary Bureau is required to refer any legislative consent memorandum (LCM) that has been lodged with the Parliament to the committee within whose remit the subject matter of the relevant provision falls.

The Northern Ireland Troubles Bill

2. This LCM was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, on 11 December 2025, under Rule 9B.3.1(a) of the Parliament's Standing Orders.
3. The Northern Ireland Troubles Bill was introduced in the House of Commons on 14 October 2025. The Bill is available on the UK Parliament website via this link: <https://bills.parliament.uk/bills/4022>.
4. The Northern Ireland Troubles Bill repeals and replaces parts of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 ("the Legacy Act"). It:
 - Renames the Independent Commission for Reconciliation and Information Recovery (ICRIR) as the Legacy Commission (LC) and repeals Part 2 of the Legacy Act. The LC operates UK-wide, including in Scotland on matters within devolved competence.
 - Sets out the LC's structure, membership, principal functions, and oversight arrangements. Core functions include:
 - Investigating conduct causing death or serious harm which formed part of the Troubles.
 - Conducting inquisitorial proceedings into the circumstances of certain deaths caused by conduct forming part of the troubles.
 - Establishes procedures for investigations by LC investigating officers and inquisitorial proceedings, presided over by a judicial panel member of the LC.
 - Makes provision for the Independent Commission on Information Retrieval, as agreed under the Stormont House Agreement between the UK and Irish governments.
 - Amends arrangements for inquests in Northern Ireland into Troubles-related deaths.
 - Requires the LC to produce a historical record of deaths linked to Troubles-related conduct that were not otherwise investigated.
5. The Bill contains various provisions that engage the legislative consent process, including (but not limited to) those which relate to:
 - The operation, function and personnel of the LC, and the exercise of its functions, in or as regards Scotland, including with respect to matters within devolved competence;

- Matters relating to victims within the criminal justice system, including the establishment of a Victims and Survivors Advocacy Group to advise the LC;
 - The admissibility of material in criminal proceedings, including proceedings taking place in Scotland;
 - The investigation of deaths and investigations of criminal conduct, and referral of conduct to a prosecutor;
 - Inquisitorial proceedings in relation to the investigation of deaths;
 - The functions of the Lord Advocate; and
 - The creation of a new criminal offence in Scots law.
6. The LCM sets out some provisions in relation to which the requirement for legislative consent remains under consideration and discussion between the Scottish and UK governments.
7. The LCM explains that:

“[...] the Scottish Government is presently of the view that a number of the Bill’s provisions either relate to devolved matters or potentially alter the executive competence of the Scottish Ministers. There has so far been limited time for engagement with the UK Government and relevant justice partners in Scotland on the detail of these matters prior to and since the Bill’s introduction, and as a consequence the Scottish Government is not presently in a position to make any recommendation to the Scottish Parliament as to consent. The Scottish Government plans to lodge a supplementary LCM, following further discussions with the UK Government, outlining the Scottish Government’s recommendations on consent.”

Designation of lead committee

8. The LCM engages the remit of the Criminal Justice Committee. The Committee’s remit includes to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice and Home Affairs, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland. The Cabinet Secretary is responsible for (among other things) the justice system and criminal law procedure, and victim and witness support.
9. As the relevant provisions of the Bill relate primarily to criminal law procedure and aspects of the justice system in Scotland, they fall within the responsibilities of the Cabinet Secretary for Justice and Home Affairs, who has lodged the LCM. As such, the relevant provisions in the Bill would appear to fall within the remit of the Criminal Justice Committee.
10. The LCM may also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers on the Scottish Ministers to make subordinate legislation.

Recommendation

11. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Criminal Justice Committee as lead committee.

Parliamentary Business Team
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