

Parliamentary Bureau - Supplementary Legislative Consent Memorandums

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 supplementary LCM was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, on 20 February 2026, 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>. An initial LCM was lodged by the Scottish Government on 11 December.
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 initial LCM set out some provisions in relation to which the requirement for legislative consent remains under consideration and discussion between the Scottish and UK governments. That LCM explained that, while the Scottish Government is broadly supportive of the Bill, it considered that it was preferable that an LCM be lodged without any recommendation on consent at that stage, pending the completion of further policy work and engagement with the UK Government.
7. The supplementary LCM updates the consent position on the provisions outlined in the initial LCM, and sets out a range of additional provisions that have been identified as requiring legislative consent. It sets out the Scottish Government's recommendation that the Parliament consent to the relevant provisions in the Bill, and includes a draft motion on legislative consent to that effect.

Designation of lead committee

8. The supplementary 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 supplementary 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.

The Railways Bill

11. The Railways Bill (“the Bill”) was introduced by the UK Government in the House of Commons on Wednesday 5 November 2025.
12. An LCM was lodged by Fiona Hyslop MSP, Cabinet Secretary for Transport, on 12 December 2025.
13. The initial LCM stated that the Bill as a whole relates to Scotland and that it “makes provision for the establishment of a new rail body to be known as Great British Railways (“GBR”) in line with the UK Government’s manifesto commitment. GBR will act as the new publicly owned “directing mind” and will be responsible for rail infrastructure and rail passenger services for which the Secretary of State for Transport is currently responsible. The Bill introduces a new process for funding GBR and a new regime governing allocation of and charging for access to rail infrastructure managed by GBR. The Bill also establishes a new Passenger Watchdog, formed from the existing “Transport Focus” (Transport Focus is a trading name, the statutory title is ‘the Passengers’ Council and this will be retained in the Bill).”
14. The LCM further noted that the Bill will provide the Scottish Government with “enhanced public sector options to deliver deeper integration of rail passenger and infrastructure services and improve the overall accountability of the rail system to the Scottish Ministers and the Scottish Parliament. Critically, it offers the opportunity to improve the efficient and effective delivery of services for the benefit of Scotland’s rail users, businesses and communities.”
15. In the initial LCM, the Scottish Government indicated that it intended to lodge a motion seeking the Parliament’s consent to the relevant provisions of the Bill relating to all of the provisions: clauses 25, 28, 32, 39, 43, 48, 66, 75, 80, 87, 90, paragraphs 1,2, 8-14 and 16 of schedule 2 and paragraphs 4, 8, 9, 12-18, 22, 25, 26, 33 and 53 of schedule 3.
16. A supplementary LCM was lodged by the Cabinet Secretary for Transport on 20 February 2026, covering UK Government amendments to the Bill at the House of Commons Committee Stage, some of which require legislative consent on the basis that they alter the executive competence of the Scottish Ministers. Most of the relevant provisions relate to schemes transferring property, rights and liabilities in connection with railways or the provision of railway services as they apply to Scotland.
17. The supplementary LCM contains a recommendation from the Scottish Government that the Parliament consent to the relevant provisions arising from UK Government amendments – these are: new Clauses 61, 62 and 64, new Schedule 1, the amendments to clause 7 and clause 90, and the amendments to Schedule 3 (inserting new paragraphs 22A, 23A, 24A, 25A, 32A, 33B, 34E, 34F, 34J, 34K, 34N, 35A and 36B to Schedule 3). The supplementary LCM contains a draft motion on legislative consent in respect of these provisions, as well as the relevant provisions covered in the initial LCM.

18. It is expected that the Bill will be carried over to the next UK parliamentary session. The Bill will therefore not be passed prior to the 2026 Scottish Parliament election, and the legislative consent process may continue into Session 7.

Designation of lead committee

19. The relevant provisions in the Bill appear to fall within the remit of the Net Zero, Energy and Transport (NZET) Committee.
20. The Committee's remit includes (among other things) considering and reporting on matters falling within the responsibility of the Cabinet Secretary for Transport. The Cabinet Secretary's responsibilities include rail services, public transport policy and transport infrastructure improvement projects.
21. The [Cabinet Secretary wrote to the NZET Committee on 19 February 2026](#), asking that the Committee give early consideration to the Bill and LCM and supplementary LCM prior to the dissolution of the Parliament ahead of the May 2026 election.
22. The LCM may also be considered by the Delegated Powers and Law Reform Committee in relation to any provisions in the Bill conferring powers to make subordinate legislation in areas of devolved competence.

Recommendation

23. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Net Zero, Energy and Transport Committee as lead committee.

Tobacco and Vapes Bill

24. This Bill was introduced in the House of Commons on 5 November 2024.
25. The Bill aims to:
- create a smoke-free generation, gradually ending the sale of tobacco products across the country;
 - enable regulation to strengthen the existing ban on smoking in public places;
 - ban vapes and nicotine products from being deliberately promoted and advertised to children; and
 - strengthen enforcement activity to support the implementation of the above measures and provide powers to introduce a licensing scheme for the retail sale of tobacco, herbal smoking products, cigarette papers, vapes and nicotine products in England, Wales and Northern Ireland, whilst broadening Scotland's pre-existing register by including nicotine products and herbal smoking products.
26. The Bill modifies, amends, extends, and re-enacts several existing tobacco and vaping control measures to create a consistent legislative framework and broadly seeks to align provisions across the UK, building on the existing legislative frameworks that apply.

27. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Health and Social Care on 21 November 2024.
28. A supplementary LCM was lodged by the Cabinet Secretary for Health and Social Care on 28 March, covering amendments tabled by the UK Government on 18 March 2025.
29. The Parliament agreed to a motion on legislative consent ([S6M-17708](#)) on 29 May 2025.
30. On 17 February 2026, the UK Government tabled a number of amendments to the Bill which extend to Scotland, giving rise to the need for a further supplementary LCM.
31. The second supplementary LCM was lodged by the Cabinet Secretary on 27 February 2026 covering these amendments, which relate to filters, advertising for public health, technology in devices and liability for internet service providers. These provisions require consent as they relate to a purpose within the legislative competence of the Scottish Parliament (public health) and some of the amendments also alter the executive competence of the Scottish Ministers.
32. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the remaining relevant provisions in this Bill arising from these amendments.

Designation of lead committee

33. The relevant provisions in the Bill fall within the remit of the Health, Social Care and Sport Committee. The Committee's remit is to consider and report on matters falling within the responsibility of the Cabinet Secretary for Health and Social Care. The Cabinet Secretary is responsible (amongst other things) for health improvement and protection. He is supported by the Minister for Public Health and Women's Health, who is responsible (amongst other things) for public health and healthy working lives.
34. The Health, Social Care and Sport Committee was the lead committee in relation to the initial LCM and first supplementary LCM.
35. The LCM will 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

36. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Health, Social Care and Sport Committee as lead committee in consideration of the second supplementary LCM on the Tobacco and Vapes Bill.

Parliamentary Business Team
March 2026