

# Parliamentary Bureau - Supplementary Legislative Consent Memorandum

## 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 Armed Forces Bill

2. An LCM was lodged by Angela Constance MSP, the Cabinet Secretary for Justice and Home Affairs, on 26 February 2026, under Rule 9B.3.1(b) of the Parliament's Standing Orders.
3. The Bill amends the Armed Forces Act 2006, renewing that Act for a further five years. The Bill also amends that Act and other enactments relating to the armed forces; and makes provision about:
  - the reserve forces;
  - visiting forces;
  - the Ministry of Defence Police;
  - the defence functions of the Oil and Pipelines Agency; and
  - the protection of military remains.
4. The Bill contains provisions which apply to Scotland and alter the executive competence of the Scottish Ministers. The Bill extends existing public duties to have due regard to the Armed Forces Covenant, which will apply across a broad range of subject areas and to different public bodies.
5. Among other things, the Bill seeks to:
  - bring UK departments and Devolved Governments into the scope of the Covenant due regard duty, extending the existing duty that currently applies in Scotland to local authorities, health and education bodies;
  - extend the covenant duty to public functions exercised in additional policy areas specifically: childcare, education and training, employment, health and social care, housing, social security benefits, personal taxation, criminal justice, transport, pensions, immigration and citizenship, and Armed Forces compensation.

## Designation of lead committee

6. Given the wide range of subject areas covered by the Bill, the LCM appears to engage the remits of a number of committees. These areas include childcare, education and training, employment, health and social care, housing, social security benefits, criminal justice and transport. Moreover, given that the Bill has the effect of changing functions of public bodies, there is an argument that the

remit of the Finance and Public Administration Committee is also engaged. As such, the remits of the following committees are likely to be partially engaged:

- Criminal Justice Committee;
  - Economy and Fair Work Committee;
  - Education, Children and Young People Committee;
  - Finance and Public Administration Committee;
  - Health, Social Care and Sport Committee;
  - Local Government, Housing and Planning Committee;
  - Net Zero, Energy and Transport Committee; and
  - Social Justice and Social Security Committee.
7. Given the wide nature of the Bill's provisions, there is no one committee within whose remit the LCM naturally falls, and the LCM could be referred to any one of the committee's listed above. It is understood that, of those committees, the Social Justice and Social Security Committee has most capacity to consider the LCM, and plans to do so at its meeting on Thursday 12 March. It is, of course, open to any of the other committees to take evidence on the LCM and report to the lead committee, should they choose to do so.
8. The Bill is currently at Committee Stage in the House of Commons (First House). It is understood that the Bill is likely to be carried over into the new session of the UK Parliament. Therefore, it is anticipated that a new LCM will require to be lodged following the Scottish Parliament election.

## Recommendation

9. The Bureau is invited to consider recommending to the Parliament by motion that the Social Justice and Social Security Committee be designated as lead committee for the purposes of scrutinising the LCM.
10. A draft motion is provided below:

“That the Parliament agrees that the Social Justice and Social Security Committee be designated as lead committee in consideration of the legislative consent memorandum on the Armed Forces Bill.”

## The Crime and Policing Bill

11. The Crime and Policing Bill (“the Bill”) was introduced by the UK Government in the House of Commons on 25 February 2025.
12. [An LCM](#) was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, on 16 May 2025.
13. Amendments tabled on 24 April 2025 resulted in the requirement for a [Supplementary Legislative Consent Memorandum](#), which was lodged on 12 June 2025. Further amendments tabled on 10 June 2025 resulted in the requirement for a [Second Supplementary Legislative Consent Memorandum](#), which was lodged on 1 August 2025. Further amendments tabled on 27 October, 3

November and 12 November resulted in the requirement for a [Third Supplementary Legislative Consent Memorandum](#), which was lodged on 19 December 2025.

14. Further amendments were tabled on 13 February 2026 to strengthen the legal duties on sellers, couriers, contractors and collection point operators involved in the remote sale of knives and crossbows and other weapons. These changes seek to ensure that such items are delivered directly to the purchaser, who must be verified as being at least 18 years old. The Bill also removes the requirement to add civilian employees to the Civil Nuclear Constabulary (CNC) and British Transport Police (BTP) advisory lists when allegations are made after the employee resigns or retires. Moreover, a further amendment seeks to ensure that the definition of “law enforcement employer” is applied consistently. All of these amendments require the consent of the Scottish Parliament as they are within the legislative competence of the Scottish Parliament or alter the executive competence of the Scottish Ministers..

### Designation of lead committee

15. Previous LCMs on this Bill have been referred to the Criminal Justice Committee. The relevant provisions in the Bill appear to fall within the remit of the Criminal Justice Committee.
16. 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. That Cabinet Secretary’s [responsibilities](#) include, among other matters, police, the justice system and criminal law procedure.
17. 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

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

### The Representation of the People Bill

19. The [Representation of the People Bill](#) (“the Bill”) was introduced by the UK Government in the House of Commons on 12 February 2026.
20. [An LCM](#) was lodged by Shona Robison MSP, Cabinet Secretary for Finance and Local Government, on 27 February 2026. The LCM was supported by Graeme Dey MSP, Minister for Parliamentary Business and Veterans.
21. The Bill covers a wide range of topics and, whilst the Bill’s territorial extent and application are complex, the Bill generally extends across the UK. The LCM states that the Scottish Government and the UK Government agree that the Bill is a relevant Bill within Rule 9B.1.1 of Standing Orders as it makes provision

applying to Scotland for purposes within the legislative competence of the Scottish Parliament, namely Scottish Parliament and Scottish local government elections. There are also provisions which alter the executive competence of the Scottish Ministers. The LCM states that, whilst analysis is ongoing, the Scottish Government's assessment is that certain provisions trigger the need for legislative consent as they apply for a devolved purpose or, in relation to regulation-making powers, alter the executive competence of the Scottish Ministers.

### Designation of lead committee

22. The relevant provisions in the Bill appear to fall within the remit of the Standards, Procedures and Public Appointments Committee.
23. The Committee's remit includes to consider and report on matters falling within the responsibility of the Minister for Parliamentary Business and Veterans. That Minister's [responsibilities](#) include, among other matters, local government elections and Scottish Parliamentary elections.
24. 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

25. The Bureau is invited to refer, under Rule 9B.3.5, the LCM to the Standards, Procedures and Public Appointments Committee as lead committee.

Parliamentary Business Team  
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