

Parliamentary Bureau - Legislative Consent Memorandum

Armed Forces 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. If two or more committee remits are engaged, the Bureau is required to recommend to the Parliament which of them is to be designated as lead committee.

Armed Forces Bill

2. This Bill was introduced in the House of Commons on 15 January 2026, and reintroduced on 14 May 2026
3. An LCM was lodged by Angela Constance MSP, then Cabinet Secretary for Justice and Home Affairs on 26 February 2026. Following an amendment agreed to by the UK Parliament on 2 June, a supplementary LCM was lodged by Neil Gray MSP, Cabinet Secretary for Justice on 16 June 2026.
4. The Armed Forces Bill renews the Armed Forces Act 2006 for a further five years. The Armed Forces Act 2006 provides the principle statutory framework for maintaining the UK's armed forces, and requires renewal by primary legislation every 5 years. The Bill also amends the provisions of the 2006 Act in a range of areas. The amendment that prompted the supplementary LCM adds new clauses 8(4) and 8(5) to the Bill concerning enforcement of service restraining orders (SROs) by the civilian courts. Clause 8 makes provision to enable Scottish courts to have jurisdiction in relation to SROs imposed by a Court Martial or Civilian Service Court where the person against whom the order is made ceases to be subject to service law or discipline. In those cases, the SRO is to be treated as a non-harassment order made by a Sheriff Court under section 234A of the Criminal Procedure (Scotland) Act 1995.
5. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provision in this Bill.

Designation of lead committee

6. The relevant provision in the Bill falls within the remit of the following committees:
 - Criminal Justice Committee – whose remit includes to consider and report on matters relating to criminal justice falling within the responsibility of the Cabinet Secretary for Justice; the Cabinet Secretary is responsible (amongst other things) for justice system, criminal law procedure, courts and sentencing. The Bill provides for SROs to be treated as if they were a form of order granted by the Scottish criminal justice system, and it would

therefore be an offence to breach such an order, and so the committee's remit is engaged.

- Equalities, Human Rights and Civil Justice Committee – whose remit includes to consider and report on matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice; the Cabinet Secretary is responsible (amongst other things) for the justice system. The LCM suggests that the alternative approach that would be required if an SRO was not treated as a non-harassment order would be for the affected individual to apply to the civil courts for a civil protective order, and so the committee's remit is engaged.
 - Standards, Procedures and Public Appointments Committee – whose remit includes to consider and report on matters falling within the responsibility of the Minister for Parliamentary Business and Veterans; the Minister is responsible (amongst other things) for veterans. The provisions relate to persons who have left the Armed Forces, and so the committee's remit is engaged.
7. Of these, the remit of the Criminal Justice Committee appears most relevant because the amendments provide for the engagement of the criminal justice system in place of service law when a person subject to an SRO leaves the service. The order is to be treated as if it were a type of criminal order, and it would be a criminal offence to breach the order.
 8. The Social Justice and Social Security Committee was the lead committee for the original LCM lodged in Session 6. That LCM covered a wide range of matters including the extension of the Armed Forces Covenant Duty in areas including childcare, education, health, housing, and social security. However, the content of the supplementary LCM is much narrower, dealing only with justice matters.
 9. 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

10. The Bureau is invited to recommend, under Rule 9B.3.5, that the Parliament designate the Criminal Justice Committee as lead committee on the LCM. A draft Bureau motion is set out below.

Draft Parliamentary Bureau motion:

Designation of Lead Committee – That the Parliament agrees that the Criminal Justice Committee be designated as the lead committee in consideration of the legislative consent memorandum relating to the Armed Forces Bill (UK Legislation).

National Security (State Threats) Bill (UK legislation)

Introduction

11. 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.

National Security (State Threats) Bill

12. This Bill was introduced in the House of Commons on 9 June 2026.
13. An LCM was lodged by Neil Gray MSP, Cabinet Secretary for Justice on 17 June 2026.
14. The Bill makes provision for a new regime for designating bodies that are involved in threat activity linked to a foreign power, within a framework modelled on proscription under the Terrorism Act 2000. It gives a power for the Secretary of State to designate a body via regulations if they reasonably believe that the body is, or has been, involved in foreign power threat activity, and considers that designating the body is necessary to protect the safety or interests of the UK. New offences for supporting a designated body, assisting a designated body and obtaining material benefits from a designated body are also created.
15. The Scottish Government considers that an LCM is required in respect of this Bill due to amendments made to the Criminal Procedure (Scotland) Act 1995 by paragraph 5 of the Schedule, which it considers alter the executive competence of the Scottish Ministers.
16. The Scottish Government set out in the LCM that the effect of paragraph 5 of the Schedule is that prisoners serving a sentence of imprisonment for the new offences relating to designated bodies will become subject to the release arrangements for national-security and terrorist offenders set out in Part 1 of the Prisoners and Criminal Proceedings (Scotland) Act 1993. This will place a requirement on the Scottish Ministers to refer any such prisoners to the Parole Board for Scotland after serving two thirds of their sentence, therefore conferring a new function on the Scottish Ministers in respect of such prisoners.
17. The UK Government disagrees that the Bill engages the legislative consent process and have indicated their position that as the Bill relates to national security it is entirely reserved.
18. The LCM indicates that the Scottish Government intends to lodge a motion seeking the Scottish Parliament's consent to the relevant provisions in this Bill, to ensure that the sentencing and release applied in Scotland for affected individuals will be the same as the regime that is proposed to be applied in the rest of the UK. The Scottish Government considers this will provide for a

consistent approach across the UK and prevent the conditions in Scotland becoming less stringent than that applied in the rest of the UK.

Parliamentary consideration

19. The relevant provisions in the Bill fall within the remit of the Criminal Justice Committee. The committee's remit is to consider and report on matters within the responsibility of the Cabinet Secretary for Justice. The Cabinet Secretary is responsible (amongst other things) for counter-terrorism strategy, sentencing, the prison service, and the Parole Board for Scotland.
20. In terms of parliamentary progression, the Bill completed all its House of Commons stages on 17 June 2026. The UK Government has explained that the Bill is being fast-tracked as it believes the powers in the Bill to tackle state threat activity by designated bodies and protect the safety and interests of the United Kingdom should be made available as soon as reasonably practicable.
21. It is anticipated that the Bill will achieve Royal Assent before the UK Parliament rises for its summer recess in July. As a result of the Bill's expedited timetable, it is considered that there is not enough time for the LCM to go through the typical committee consideration process ahead of the Scottish Parliament's summer recess. This also means that if the Scottish Parliament is to agree a motion on legislative consent before the Bill is sent for Royal Assent, it would have to do so prior to the Parliament's summer recess beginning on 27 June 2026.
22. In light of these circumstances, it is suggested that the LCM should be taken directly to the Chamber to allow the Parliament to express its view on the relevant provisions before the Bill passes. The Convener of the Criminal Justice Committee has indicated that he is content for the committee not to consider the LCM in this case, due to the lack of time available for committee scrutiny.
23. A draft motion to suspend Rule 9B.3.5 of Standing Orders, which would allow a motion on legislative consent to go directly to the Chamber without being considered or reported on by the lead committee, is set out below.
24. As the relevant provisions covered in the supplementary LCM do not confer any powers on the Scottish Ministers to make subordinate legislation, Rule 9B.3.6 is not engaged, so therefore does not require to be suspended.

Recommendation

25. The Bureau is invited to consider recommending to the Parliament by motion that Rule 9B.3.5 of Standing Orders be suspended for the purposes of consideration of the LCM on the National Security (State Threats) Bill.
26. A draft Bureau motion is provided below:

That the Parliament agrees that, for the purposes of consideration of the legislative consent memorandum on the National Security (State Threats) Bill, Rule 9B.3.5 of Standing Orders is suspended.

Parliamentary Business Team

June 2026