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21 August 2026

Dear Alyn,

Thank you for your letter of 5 August 2026 addressed to the Cabinet Secretary for Justice in relation to the supplementary Legislative Consent Memorandum for the Armed Forces Bill.

The provisions in the Bill which require further legislative consent are provisions which give jurisdiction to Scottish courts in relation to Service Restraining Orders (SRO) where a person subject to a SRO leaves the armed forces or is in some way no longer subject to service discipline (e.g. moves to a different civilian role within the armed forces). These provisions are needed to ensure protections for victims can remain in place for as long as may be needed rather than ended by reason of the person against whom the measures are levied leaves the armed forces/no longer is subject to service discipline.

This step is the same as is being taken in the Bill for the other nations of the UK. As such, the English and Welsh courts and the Northern Irish courts are also being empowered in this way through the Bill.

In your letter, you ask about the reaction to these provisions. There has been limited engagement on this proposal which is largely consequential on the existence of SROs with the specific approach being seen as a sensible step to keep protections in place for victims in situations where otherwise protection would fall away. This is in line with a Scottish Government approach on ensuring appropriate steps to protect victims, in keeping with other jurisdictions across the UK.

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It is not considered there will be significant financial, resource or operational implications for Scottish public bodies as a result of this provision. There may be some limited savings as individuals who would be protected by SROs will not require to obtain their own Scottish civil protection order (e.g. a non-harassment order) as a result of this provision when a person leaves the armed forces/no longer subject to service discipline. This will potentially save time and cost and reduce trauma for victims as well as saving court time that otherwise would be needed. That said, court time will be utilised on occasion as, say, applications for changes to a SRO will be dealt with by the Scottish courts which will potentially offset any potential court time savings.

Police Scotland will have a role in enforcing conditions of SROs where individuals have left the armed forces/no longer subject to service discipline. Given the type of protection a SRO offers is very similar to, say, non-harassment orders (NHOs) and that many of the victims may seek to obtain NHOs if this provision was not in place, it is not expected to be a significant impact on Police Scotland as part of their general duties to help protect victims.

You ask about the UK Bill including further amendments. We are not aware of other amendments planned for the Bill that will necessitate legislative consent. We continue to work with the UK Government as needed for Scottish devolved interests, but we would of course caveat this by saying amendments made at Westminster are not ultimately within the control of the Scottish Government.

I would note that it is likely, pending confirmation of timescales, that the Scottish Government would seek to bring forward the Motion on Legislative Consent ahead of the Scottish Parliament's October recess to ensure that the Scottish Parliament is able to make its views on consent known ahead of final amending stages of the Bill.

I hope this is helpful.

Yours sincerely,

JAMIE HEPBURN

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