



The Scottish Parliament
Pàrlamaid na h-Alba

Criminal Justice Committee

Neil Gray MSP

Cabinet Secretary for Justice

Jamie Hepburn MSP

Minister for Parliamentary Business and Veterans

03 September 2026

Dear Cabinet Secretary and Minister,

Armed Forces Bill supplementary Legislative Consent Memorandum

The Criminal Justice Committee considered Legislative Consent Memorandum (LCM-S7-3) relating to the Armed Forces Bill at its meeting today. During the Committee's consideration of the provisions relating to Service Restraining Orders (SROs), questions were raised regarding the practical operation of the proposed arrangements in Scotland, particularly in relation to the transfer, enforcement and oversight of orders when an individual leaves the Armed Forces.

The Committee would welcome clarification from the Scottish Government on the following matters.

- Could the Scottish Government clarify the interaction between clause 8(5) of the amendment agreed by the House of Commons and the disapplication of section 109 of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025? What effect does clause 8(4) have on the operation of victim protections in Scotland, and how will victims be informed that those protections continue to apply?
- Can the Scottish Government provide assurance that there will be no gap in protection for victims when an individual who is subject to a Service Restraining Order leaves the Armed Forces and the order becomes enforceable within the Scottish civilian justice system?
- If a person subject to a Service Restraining Order leaves the Armed Forces, does the enforceability of that order transfer automatically into the Scottish civilian justice system? The Committee would welcome further explanation of the practical and technical arrangements that underpin that transfer.
- How does Police Scotland become aware that a Service Restraining Order has become enforceable within the Scottish jurisdiction? Is there an automatic notification process or other formal mechanism for information sharing between the service justice system and the relevant Scottish authorities?

- When responsibility for an order transfers from the service justice system to the civilian justice system, who is responsible for informing the victim of that change? Furthermore, who becomes the victim's point of contact, and what arrangements are in place to ensure continuity of communication and support?
- In circumstances where an individual who has left the Armed Forces breaches a Service Restraining Order, can the Scottish Government confirm whether Police Scotland would investigate the alleged breach and that prosecution would be taken forward by the Crown Office and Procurator Fiscal Service in the same manner as a breach of an equivalent civilian order?
- Finally, could the Scottish Government advise:
 - how many current Service Restraining Orders relate to individuals currently resident in Scotland; and
 - how many cases the Scottish Government estimates to transfer into Scottish jurisdiction each year under these provisions?

Given the Committee's timetable for consideration of the supplementary Legislative Consent Memorandum, I would be grateful for a response by **12 noon on Thursday 10 September**.

Thank you for your assistance. The Committee looks forward to receiving the Scottish Government's response.

Yours sincerely,



David Linden MSP
Deputy Convener, Criminal Justice Committee