



The Scottish Parliament
Pàrlamaid na h-Alba

Published 20 March 2026
SP Paper 1083
13th Report, 2026 (Session 6)

Criminal Justice Committee

Fourth Supplementary Legislative Consent Memorandum for the Crime and Policing Bill (UK Parliament legislation)



Published in Scotland by the Scottish Parliamentary Corporate Body.

All documents are available on the Scottish
Parliament website at:
<https://www.parliament.scot/documents>

For information on the Scottish Parliament contact
Public Information on:
Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: info@parliament.scot

Contents

Introduction	1
Outline of the UK Bill and the Committee's consideration to date	2
Fourth Supplementary LCM (LCM-S6-57d)	5
Consideration by the Delegated Powers and Law Reform Committee	7
Consideration by the Committee and recommendation	8
Conclusion and Recommendation	10

Criminal Justice Committee

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.

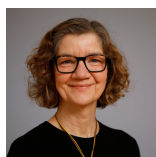


justice.committee@parliament.scot



0131 348 5973

Committee Membership



Convener
Audrey Nicoll
Scottish National Party



Deputy Convener
Liam Kerr
Scottish Conservative
and Unionist Party



Katy Clark
Scottish Labour



Sharon Dowey
Scottish Conservative
and Unionist Party



Jamie Hepburn
Scottish National Party



Fulton MacGregor
Scottish National Party



Rona Mackay
Scottish National Party



Pauline McNeill
Scottish Labour

Introduction

1. At its meeting on Wednesday 18 March 2026, the Criminal Justice Committee considered a fourth supplementary Legislative Consent Memorandum ("sLCM") ([LCM-S6-57d](#)). This was lodged by the Scottish Government in relation to the Crime and Policing Bill which is currently being considered by the UK Parliament.
2. This report summarises the most recent amendments made to the Bill and the Committee's consideration of the fourth supplementary Legislative Consent Memorandum.

Outline of the UK Bill and the Committee's consideration to date

3. The Crime and Policing Bill was introduced by the UK Government in the House of Commons on 25 February 2025.
4. The Bill and associated documents can be viewed on the [UK Parliament website](#).
5. The Bill on introduction makes provision about anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order, the powers of the police, the border force and other similar persons. It also makes provisions about confiscation; about the police; about terrorism and national security, and about international agreements relating to crime; and about the criminal liability of bodies; and for connected purposes.
6. On introduction, the Bill was made up of 15 Parts (137 Clauses) and 17 Schedules. The following provisions initially triggered the process of requesting the consent of the Scottish Parliament that the provisions be extended to Scotland because they touch upon devolved matters:
 - to create a new offence of “cuckooing” – controlling another's home for criminal purposes;
 - to set out new provisions relating to the management of sex offenders including notification requirements in relation to name changes, absence from sole or main residence, and, in the case of child sex offenders, if entering premises where children are present. The clauses also contain provisions relating to restrictions on applying for replacement identity documents in a new name and powers of entry and search in certain circumstances;
 - to create new offences relating to the possession and supply of electronic devices where there is a reasonable suspicion that this is for use in vehicle theft;
 - to expand the lawful purposes for which the police can access the DVLA driving license database;
 - to protect enforcement authorities from paying expenses during civil recovery proceedings, preventing the court from ordering expenses against them unless the authority acted unreasonably, dishonestly or improperly;
 - to expand the list of criminal lifestyle offences in the Scottish Schedule 4 of the Proceeds of Crime Act 2002;
 - to confer parallel powers on Scottish Ministers and the Secretary of State to make regulations to implement future international agreements as they relate to the sharing of information for law enforcement purposes and to require the Secretary of State to consult with devolved authorities before making regulations in a devolved area;

- regarding the criminal liability of bodies corporate and partnerships where a senior manager commits an offence.
7. Following amendments agreed to at the Public Bill Committee stage in the UK Parliament, the Bill was expanded to 15 Parts (172 Clauses) and 18 Schedules. Two sets of amendments were identified by the Scottish Government as triggering the original Legislative Consent Memorandum ("LCM") process and prompted the need for a supplementary LCM. These related to:
- online advertising of unlawful weapons: civil penalties; and
 - powers of the British Transport Police and Ministry of Defence Police.
8. The Bill was further expanded to 16 Parts (203 Clauses) and 21 Schedules following amendments tabled on 10 June. Four new areas were identified as triggering the LCM process, prompting a second sLCM:
- offence of child criminal exploitation;
 - remote storage provisions for electronic data;
 - the creation of barred/advisory lists for the National Crime Agency and the British Transport Police; and
 - amendments to the Proceeds of Crime Act 2002.
9. At its meeting on Wednesday 1 October 2025, the Committee considered the original LCM on the Bill ([LCM-S6-57](#)), as well as the first supplementary LCM ([LCM-S6-57a](#)) and a second sLCM ([LCM-S6-57b](#)). These were lodged by the Scottish Government in relation to various provisions of the Crime and Policing Bill.
10. The Committee published [a report](#) summarising its consideration of the LCM and both supplementary LCMs on 10 October 2025.
11. Further amendments were subsequently tabled to the Bill in the UK Parliament on 27 October, 3 November and 12 November 2025. These amendments extended to Scotland provisions covering-
- offensive weapons,
 - online sales of knives and crossbows,
 - child criminal exploitation prevention orders,
 - child sex abuse image generators,
 - possession of advice or guidance about creating child sexual abuse (CSA) or CSA images, and
 - providing for a technology testing defence and creating new offences relating to pornographic images of strangulation or suffocation in Scotland.
12. As a consequence, a third supplementary LCM for this Bill ([LCM-S6-57c](#)) was lodged by the Scottish Government.

13. At its meeting on Wednesday 25 February 2026, the Committee considered the third sLCM. The Committee published [a report](#) summarising its consideration of the third sLCM on 4 March 2026.

Fourth Supplementary LCM (LCM-S6-57d)

14. The Bill is currently progressing through the UK Parliament and is at Report Stage in the House of Lords, having completed its passage in the Commons. The Bill had its first reading in the Lords on 19 June 2025. At the time of writing, the date for its third reading in the Lords has yet to be announced.
15. Further amendments were tabled to the Bill in the House of Lords on 13 February 2026. These amendments seek 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 will ensure that such items are delivered directly to the purchaser, who must be verified as being at least 18 years old.
16. It is also proposed to remove the requirement to add civilian employees to the Civil Nuclear Constabulary and British Transport Police advisory lists when allegations are made after the employee resigns or retires. Amendment to clause 179 will ensure that the definition of “law enforcement employer” is applied consistently. These amendments require the consent of the Scottish Parliament.
17. Amendments were also tabled removing the reasonable belief test from child criminal exploitation, making minor drafting amendments to Child Sexual Abuse (CSA) image generators and making provision for pre-commencement consultation on police access to driver licensing information. These amendments do not require the consent of the Scottish Parliament because they are technical amendments to clauses already covered in a previous supplementary LCMs.
18. On 2 March 2026, a fourth sLCM, LCM-S6-57d, was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs.
19. The Scottish Government recommends that the Scottish Parliament consent to the following areas as set out in the fourth sLCM:
 - Clauses 31-35 – remote sale of knives etc.: these clauses relate to where knives, crossbows and other weapons are sold remotely. The amendments to existing clauses strengthen legal requirements falling on sellers, couriers, contractors and collection point operators to ensure items are delivered directly to the buyer who must be aged at least 18 (detailed in paragraphs 20 and 21 of the fourth sLCM).
 - Clause 179 and Schedule 21 – Interpretation of sections 173 to 178: these amendments aim to ensure that the definition of “law enforcement employer” is applied consistently across clauses 173 to 178, and remove the requirement to add civilian employees to the British Transport Police (BTP) advisory lists. While the BTP is a UK-wide special police force it carries out devolved law enforcement functions in Scotland (as set out in paragraphs 22 and 23 of the fourth sLCM).
20. The Scottish Government's reasoning for recommending consent to the above clauses is set out in paragraphs 24 and 25 of the fourth sLCM.
21. The draft motion on legislative consent is as follows:

“That the Parliament agrees that the relevant provisions in the Crime and Policing Bill introduced on the 25 February 2025, and subsequently amended, relating to clauses 31-35 (remote sale of crossbows and knives), and clause 179 and Schedule 21 (Barred Persons Lists and Advisory Lists), so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.”

Consideration by the Delegated Powers and Law Reform Committee

22. The fourth sLCM was considered by the Delegated Powers and Law Reform Committee ("DPLRC") at its meetings on 17 March 2026. The DPRLC [reported](#) to the Committee on 17 March 2026.
23. The DPLRC considered delegated powers conferred on the Scottish Ministers by the amendments to Bill in the following areas:

- New clause "Remote sale or letting of knives etc: Scotland" – inserting new section 141C(5)(a)(ii) of the Criminal Justice Act 1988: Power to prescribe an alternative process for age verification
- Clause 32 – inserting new section 40(4)(a)(ii) of the Offensive Weapons Act 2019: Power to prescribe an alternative process for age verification
- Clause 33 – inserting new section 1B(4)(a)(ii) of the Crossbows Act 1987: Power to prescribe an alternative process for age verification

And delegated powers conferred on the Scottish Ministers by amendments made to the Crossbows Act 1987– Delivery of crossbows by-

- Clause 34 – inserting new section 1D(4)(a)(ii) of the Crossbows Act 1987: Power to prescribe an alternative process for age verification
 - Clause 34 – inserting new section 1D(6) of the Crossbows Act 1987: Power to prescribe further defences to an offence under section 1C
 - Clause 34 – inserting new section 1E(7) of the Crossbows Act 1987: Power to prescribe further defences to an offence under section 1E
 - Clause 34 – inserting new section 1F(7) of the Crossbows Act 1987: Power to prescribe further defences to an offence under section 1F
 - Clause 34 – inserting new section 1(G)(7) of the Crossbows Act 1987: Power to prescribe further defences to an offence under section 1G
 - Clause 34 – inserting new section 1H(8)(a)(ii) of the Crossbows Act 1987: Power to prescribe an alternative process for age verification
 - Clause 34 – inserting new section 1H(12) of the Crossbows Act 1987: Power to prescribe further defences to an offence under section 1H.
24. The DPLR Committee was content with delegation of all the various powers in principle and that they are subject to either the negative or affirmative procedure.

Consideration by the Committee and recommendation

25. At its meeting of Wednesday 18 March 2026, the Committee took oral evidence on the fourth sLCM from the Cabinet Secretary for Justice and Home Affairs ("the Cabinet Secretary"). She was accompanied by Yvonne Edmond, International Justice Co-operation Team, Patrick Down, Criminal Law, Procedure and Sentencing Team and Jim Hislop, Organised Crime Unit, Scottish Government.
26. In her opening statement, the Cabinet Secretary set out the Scottish Government's reasoning for recommending legislative consent to the fourth sLCM be granted.
27. The Cabinet Secretary told the Committee that the amended provisions of the Bill in relation to the remote sale or letting of knives, the application of the definition of a 'law enforcement employer' and the advisory lists for the Civil Nuclear Constabulary and the British Transport Police bring benefit to Scotland. Consequently, the Scottish Government's is recommending legislative consent be granted to the fourth sLCM.
28. The Cabinet Secretary also explained that Clauses 31-35 in the Bill on the remote sale of knives includes online sales, but also includes those sales made by mail order, or over the phone sales. She said that one challenge about the remote selling of knives is age verification in terms of the age of the purchaser.
29. She also said that there was a concern that certain types of delivery or collection of knives purchased remotely may bypass existing age verification procedures.
30. The amendments to clauses 31 - 35 extent to all of the nations in the UK so as to ensure a single legal framework for age verification on the remote purchase of knives. This ensures there is one system in place for all retailers, delivery companies and all businesses acting as collection points. The aim of the amendments is to strengthen the specific requirement on age and identity verification at the point of remote sale and at the point of remote delivery collection.
31. The amendments establish order making powers allowing the Scottish Ministers to make regulations under the Bill to specify steps a retailer, delivery company or collection point operator may take to reasonably establish a buyers age and identity.
32. The amendments also create a new offence of delivering or handing over a package containing a knife or a crossbow to someone other than the buyer. A third party like a neighbour or other family member cannot take delivery of such a package, and the Bill now requires is must be handed over directly to the buyer. These safeguards are further designed to prevent knives and crossbows from getting into the hands of underage individuals.
33. The amendments to clauses 179 look to include 'law enforcement employer' so that it is consistently applied across clauses 173 to 178 of the Bill.
34. The amendment to schedule 21 of the Bill seeks to remove the requirement to include civilian employees of the Civil Nuclear Constabulary or the British Transport Police from the advisory lists who have retired or resigned before allegations came

to light.

35. A number of other technical amendments do not require the consent of the Parliament as they are technical amendments to clauses already considered as part of previous LCMs on the Bill.
36. The Cabinet Secretary concluded by saying the measures in the fourth sLCM align with Scotland's priorities and the consent of the Parliament is required if these measures are to take effect in Scotland.

Conclusion and Recommendation

37. The Committee was content with the amendments to various clauses set out in the supplementary Legislative Consent Memorandum and the rationale set out by the Cabinet Secretary as to why consent should be given to it by the Parliament.

38. The Criminal Justice Committee recommends to the Parliament that consent be given for the relevant provisions covered by supplementary Legislative Consent Memorandum LCM-S6-57d.

