

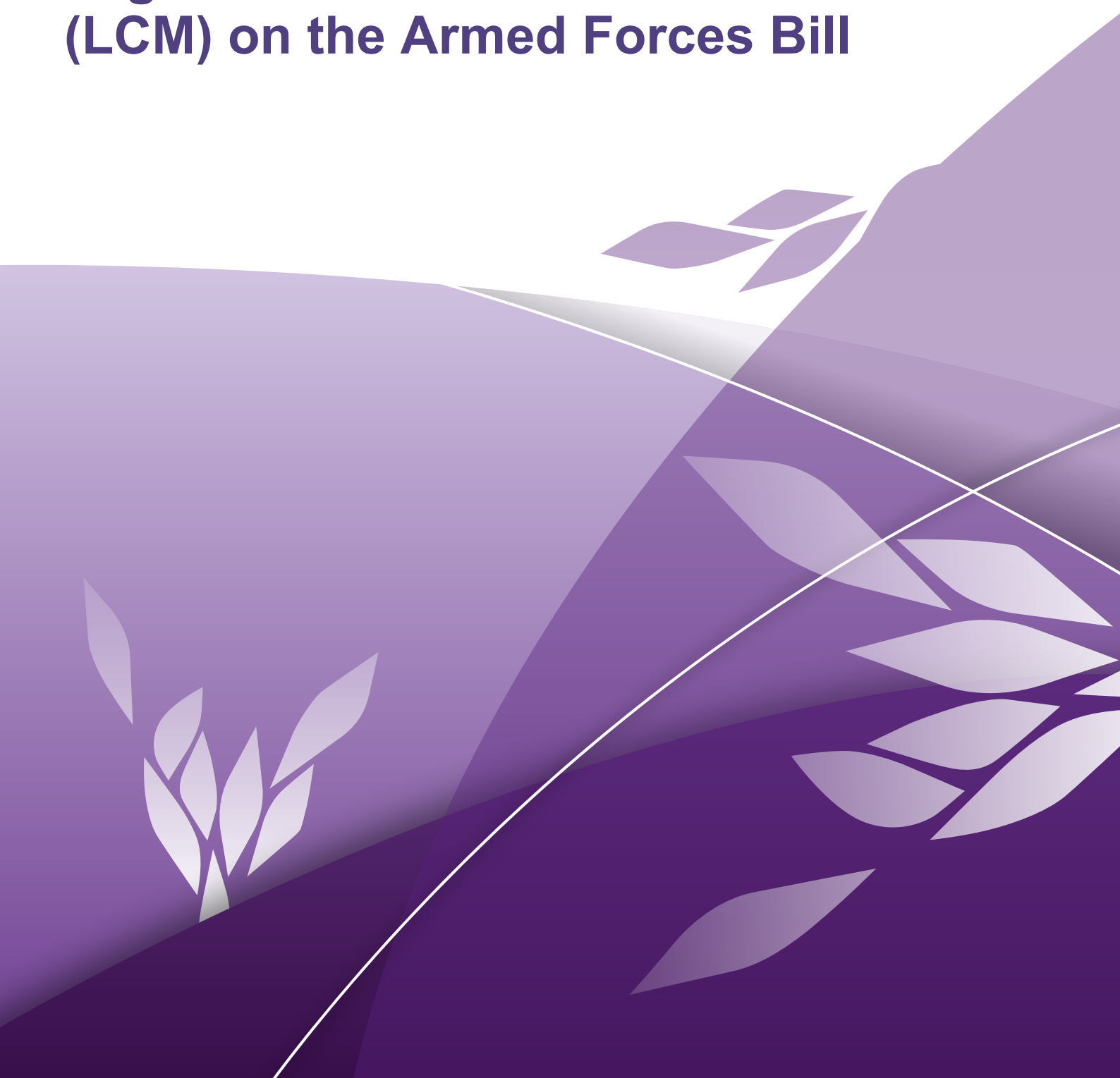


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Pàrlamaid na h-Alba

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## **Social Justice and Social Security Committee**

# **Legislative Consent Memorandum (LCM) on the Armed Forces Bill**



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# Social Justice and Social Security Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, and matters related to homelessness and rough sleeping, fuel poverty, and welfare and debt advice services within the responsibility of the Cabinet Secretary for Housing.



[SJSS.committee@parliament.scot](mailto:SJSS.committee@parliament.scot)



0131 348 5986

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**Collette Stevenson**  
Scottish National Party



**Deputy Convener**  
**Bob Doris**  
Scottish National Party



**Claire Baker**  
Scottish Labour



**Jeremy Balfour**  
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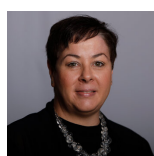
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Scottish National Party



**Carol Mochan**  
Scottish Labour



**Alexander Stewart**  
Scottish Conservative  
and Unionist Party



**Elena Whitham**  
Scottish National Party

# Introduction

1. The Armed Forces Bill Legislative Consent Memorandum (LCM) was lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, on 26 February 2026 and referred to the Social Justice and Social Security Committee.
2. The [Armed Forces Bill](#) was introduced by the UK Government in the House of Commons on 15 January 2026. It has completed its second reading in the House of Commons.
3. The UK Government has set out that the Bill makes provisions to continue the Armed Forces Act 2006 for a further five years; amend that Act and other enactments relating to the armed forces; make provision about the reserve forces; make provision about visiting forces; to make provision about the Ministry of Defence Police; make provision about the defence functions of the Oil and Pipelines Agency; make provision about the protection of military remains, and for connected purposes.
4. A [House of Commons Library briefing](#) is available providing background on the policy debates relating to this Bill.

## Interaction with devolved competence

5. The Bill contains provisions that apply to Scotland and the UK Government has requested legislative consent in LCM-S6-73 in relation to the Armed Forces Bill.
6. The [Legislative Consent Memorandum](#) (LCM) provides a description of the Bill and its devolved aspects. In brief, the LCM states that clauses 2, 50, 52, 54, and 55 within the Bill impact on devolved matters.
7. Clause 2 extends the duty to have due regard to the principles of the Armed Forces Covenant to the Scottish Ministers when exercising public functions across specified areas: childcare; education and training; employment; health and social care; housing; social security benefits; personal taxation; criminal justice, and transport. The Armed Forces Act 2006 will be amended to broaden the existing duty on local authorities and health authorities, allow the Secretary of State for Defence to issue guidance and amend relevant bodies or functions by regulations, with consultation of Scottish Ministers where devolved matters are affected. As the provision relates to the reserved matter of the armed forces but alters the executive competence of Scottish Ministers, legislative consent from the Scottish Parliament is required.
8. Clauses 50, 52, 54 and 55 relate to general provisions. Clause 50 relates to the interpretation of the Bill including definitions of key terms. Clause 52 makes provision as to the extent to which the clauses apply within the UK. Clause 54 makes provision for commencement of the Bill and for transitional provision to be made by subordinate legislation by the UK Government if required. Clause 55 is the short title of the Bill.
9. **The Scottish Government recommends that the Scottish Parliament consents to the Bill.**

## Scrutiny by the Committee

10. On [12 March 2026](#), the Committee took oral evidence on the LCM from Graeme Dey, Minister for Parliamentary Business and Veterans (“the Minister”).
11. The Minister set out the content of the LCM and the reasons why the Scottish Government is content for consent to be given for the UK Parliament to legislate for Scotland in the relevant policy areas. The purpose of the Bill is to renew the Armed Forces Act 2006, which must be renewed every five years and was last renewed in 2021.
12. Although most provisions relate to reserved matters, the Bill engages the LCM process by extending the Armed Forces Covenant duty to Scottish Ministers across a wide range of policy areas, including 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.
13. The Scottish Government has consistently supported the aims of the Armed Forces Covenant since its introduction in 2011 and welcomes the extension of the duty as an opportunity to improve awareness and ensure greater consistency of support for the armed forces community.
14. One Member asked what practical changes would result from the new duty. The Minister advised that it is expected to raise awareness and strengthen consideration of the Covenant across public bodies, clarifying that its purpose is to prevent disadvantage rather than confer advantage, although it is unlikely to significantly alter the Scottish Government’s existing approach.
15. Members also sought clarification on how the Scottish Government is working with the UK Government to support veterans’ transition to civilian life. The Minister acknowledged that support has improved but remains inconsistent, highlighting work to better translate military qualifications into civilian equivalents and the need for continued joint efforts to maximise employment opportunities and awareness of veterans’ skills.
16. A Member noted that the Bill would require local authorities and health boards to have due regard to the Armed Forces Covenant and asked why legislative consent for that aspect of the Bill is not considered necessary. The Minister clarified that the Bill does not change existing duties on those bodies but extends the duty to Scottish Ministers, and highlighted the role of local champions and the need for improved support, training and resourcing.
17. Finally, a Member raised ongoing discussions between the Scottish and UK Governments on whether legislative consent is required for clause 6 and schedule 3, which relate to the service justice system and the prosecution of domestic abuse. The Minister advised that, following further engagement with the Ministry of Defence, it has been agreed that legislative consent is not required for clause 6 and only limited elements of schedule 3, due to their reserved nature.
18. Following a debate, Committee Members indicated they were content that the Parliament should give its consent to the LCM.

19. Any further LCMs to be lodged in relation to the Armed Forces Bill as it makes its way through the UK Parliament, will be considered by a successor Committee at a later date for a decision on whether to recommend consent.

# Conclusions

20. **The Social Justice and Social Security Committee recommends to the Parliament that consent be given for the relevant provisions covered by LCM-S6-73.**

