



Social Justice and Social Security Committee
Thursday 12 March 2026
9th Meeting, 2026 (Session 6)

Armed Forces Bill 2026 – legislative consent memorandum

The Committee will hear from:

- Graeme Dey, Minister for Parliamentary Business and Veterans
- Scottish Government officials

Introduction

The Bill would bring Scottish Ministers within scope of the Armed Forces Covenant. This paper gives a brief summary of the Covenant, the devolved issues in the Bill and suggests themes for discussion.

Background

Armed Forces Covenant

The [Armed Forces Covenant](#) was introduced in 2011 and applies across the UK. The [Armed Forces Act 2021](#), requires certain public bodies to have due regard to the [Covenant principles](#) when carrying out functions in healthcare, education, and housing. Those principles include:

- (a) the unique obligations of, and sacrifices made by, the Armed Forces;
- (b) the principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces, and
- (c) the principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

The current duty applies to local authorities and health boards in relation to housing, education and healthcare functions. There was no LCM lodged when these duties were introduced.

[Statutory guidance](#) published in 2022 explains how the duty should be applied. The UK Government must consult with Scottish Ministers before issuing guidance. The current guidance was produced in consultation with the Scottish Government and reflects the devolved context in, for example, Additional Support for Learning. The

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Armed Forces Bill would extend this legal duty to include Scottish Ministers and a wider range of the public functions.

Armed Forces Bill 2026

An Armed Forces Bill is presented every five years. [They form the legal basis of Parliamentary approval to raise and maintain the Armed Forces](#). The 2026 Bill includes expanding the existing Covenant Legal Duty to cover a wider range of policy areas and brings the UK and devolved governments within scope, alongside local authorities. Because this impacts Scottish Ministers' executive powers, legislative consent is required.

The [Bill was introduced at Westminster on 15 January 2026](#). [Second reading was on 26 January](#) and, as of 5 March, a date for Committee Stage had yet to be set. A legislative consent memorandum was lodged on 26 February.

A [House of Commons Library briefing describes the bill in full](#). The following describes only those measures relevant to legislative consent.

Extending the legal duty to have regard to the Armed Forces Covenant

The UK and Scottish Governments agree that provisions in clauses 2, 50, 52, 54 and 55 of the Bill require Scottish Parliament consent. Of these, clause 2 is the only substantive provision. The other clauses are general provisions (e.g. interpretation, territorial extent) which the Scottish Government memorandum explains only need consent "to the extent that each of these clauses apply for the purposes of clause 2."

Clause 2 would make Scottish Ministers subject to the duty to have regard to the Armed Forces Covenant in the exercise of their public functions in relation to:

- (a) childcare;
- (b) education and training;
- (c) employment;
- (d) health and social care;
- (e) housing;
- (f) social security benefits;
- (g) personal taxation;
- (h) criminal justice;
- (i) transport;

The Bill would also extend the current duty on local authorities and health authorities to have regard to the Armed Forces Covenant in relation to any of their public functions in the above list. The LCM memorandum states that this does not require legislative consent as it:

"relates to the reserved matter of the armed forces given it aims to mitigate against disadvantage to individuals that may arise specifically in connection with their armed forces membership." (LCM memorandum para 10)

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There is [no record of an LCM being lodged in 2021](#) in the Scottish Parliament in relation to the Armed Forces Bill 2021, which placed the original ‘due regard’ duty on local authorities and health boards.

Clause 6, Schedule 3

The Scottish and UK Governments are in discussion about whether clause 6 requires legislative consent. If agreed, a further legislative consent memorandum will be necessary. Clause 6 and Schedule 3 would make changes to the service justice system in relation to prosecuting domestic abuse.

Scottish Government position

The Scottish Government recommends consent on the basis that:

“The Scottish Government has supported the principles of the Armed Forces Covenant since its introduction and it underpins our Veterans Strategy and our support for the Armed Forces community more widely. As a result we recommend support for this extension of the Armed Forces Covenant duty.”

Financial provision

There is no funding from the UK Government associated with the Bill. There was no funding provided in 2021 when the ‘due regard’ duty was applied to local authorities. (LCM memorandum para 15). The explanatory note to the Bill states:

“Clause 2 (Armed Forces Covenant) – It is estimated that the implementation of the duty for Government departments could lead to initial training and familiarisation costs ranging from £307,000 to £1.5 million.” ([Explanatory Note, para 516](#))

Consultation

In [June 2025 the UK Government confirmed](#) that legislation would be introduced to extend the Covenant and that this would include devolved governments. This builds on [recommendations from the House of Commons Defence Select Committee](#). In [response to that report](#), in June 2025, the MOD stated:

“the Legal Duty is deliberately flexible and does not mandate outcomes. This ensures service providers retain their ability to honour the Covenant in the way most suited to local needs.”

[...]

The MOD is committed and will continue to commit to working with Other Government Departments (OGDs), the Devolved Governments, Local Authorities and the Third Sector to help raise awareness of the issues faced by the Armed Forces community.”

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The Scottish Government's latest annual report on support for the Veterans and Armed Forces Community, [published on 9 December 2025](#), noted engagement with the UK Government on the extension to the Armed Forces Covenant Duty:

“Throughout the past year we have engaged regularly with the UK Government as it has developed the extension of the Armed Forces Covenant Duty and the new VALOUR programme. We will continue to work with them to try and ensure such initiatives take account of the devolved nature of much of the support to veterans across Scotland.”

The LCM memorandum states that:

“the Scottish Government did not have sight of the final version of the Bill or their finalised devolution analysis prior to the Bill being introduced.” (LCM memorandum para 14)

Suggested themes for discussion.

Members may wish to discuss:

- 1. What will change as a result of the new duty placed on Scottish Ministers by this Bill?**
- 2. How is the Scottish Government working with the UK Government to ensure that they “take account of the devolved nature of much of the support to veterans across Scotland” (as stated in the Scottish Government’s [annual report on support for the veterans and armed forces community](#))?**
- 3. The Bill would require local authorities and health boards to have due regard to the armed forces covenant in a wide range of their public functions. Can the Minister explain further why legislative consent is not required for this?**

**Camilla Kidner, Senior Researcher, SPICe,
Date: 05 March 2026**

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