

The Welsh Government's Legislative Consent Memorandum on the Armed Forces Bill

March 2026



1. Background

1. The Armed Forces Bill¹ (the Bill) was introduced into the House of Commons on 15 January 2026. It is sponsored by the Ministry of Defence.

2. The long title of the Bill states that it is a Bill to “continue the Armed Forces Act 2006”, to make amendments to the Act and “other enactments relating to armed forces” and to make provisions relating to a variety of elements of the Act. The UK Government’s Explanatory Notes to the Bill² expand on the purpose for the Bill, stating it is to:

“... renew the Armed Forces Act 2006, and in so doing, continue in force the primary legislation governing the armed forces. The Bill also includes measures to improve the effectiveness and efficiency of the service justice system so that it continues to meet the needs of the armed forces, and to put the Armed Forces Covenant fully into law.”

3. The Bill completed its second reading in the House of Commons on 26 January 2026. The next stage of the Bill is Committee Stage in the House of Commons, for a date to be announced.³

4. The Senedd has previously considered similar legislation back in 2021. Scrutiny of the Armed Forces Act 2021 occurred at the end of the Fifth Senedd and the beginning of the Sixth Senedd. The Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum for the previous Armed Forces Bill were considered and reported on by the Committee in October 2021⁴, and the Legislative Consent Motion was agreed in Plenary on 23 November 2021.⁵

5. Alun Davies MS recused himself from consideration of this Legislative Consent Memorandum.

¹ [Armed Forces Bill](#), as introduced (Bill 367)

² UK Government, [Armed Forces Bill Explanatory Notes](#)

³ Armed Forces Bill, [Stages](#)

⁴ Legislation Justice and Constitution Committee, [The Welsh Government's Legislative Consent Memoranda on the Armed Forces Bill](#), October 2021

⁵ Plenary, [23 November 2021](#), Item 9

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6. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant Bill before the UK Parliament makes provision in relation to Wales that has regard to devolved matters.

7. Ken Skates MS, the Cabinet Secretary for Transport and North Wales (the Cabinet Secretary), laid a Legislative Consent Memorandum (the Memorandum) on 27 January 2026.⁶

8. The Business Committee agreed that the Legislation, Justice and Constitution Committee and the Equality and Social Justice Committee would report on the Memorandum by 20 March 2026.⁷

Provisions for which the Senedd's consent is required

9. The Memorandum summarises the Bill's policy objectives:

- to renew the *Armed Forces Act 2006* and so continue in force primary legislation governing the Armed Forces;
- to put the Armed Forces Covenant fully into law;
- to establish the Defence Housing Service to improve the availability and quality of defence housing;
- to make provision about service in the Reserve Forces and expand the pool of Reserves;
- to make provision about the Service Justice System;
- to make provision about visiting forces;
- to make provision about the defence functions of the Oil and Pipelines Agency; and
- to make provision about the protection of military remains.⁸

⁶ Welsh Government, [Legislative Consent Memorandum on the Armed Forces Bill](#), 27 January 2026

⁷ Business Committee, [Timetable for consideration: Legislative Consent Memorandum on the Armed Forces Bill](#), February 2026

⁸ Welsh Government, [Legislative Consent Memorandum on the Armed Forces Bill](#), 27 January 2026, paragraph 3

10. The UK Government's Explanatory Memorandum sets out its position that consent is only required in relation to clause 2 of the Bill, relating to the Armed Forces Covenant.⁹

11. However, the Welsh Government's Memorandum provides that the Senedd's consent is also required for clauses 3, 9, 10, 25, 37, 50, 52, 54 and Schedules 1 and 6.¹⁰

12. The Memorandum summarises the clauses for which consent is sought:

- Clause 2 extends the existing legal duty of due regard to the Welsh Ministers, who will be required to have due regard to the Armed Forces Covenant principles when exercising public functions in relation to a specified matter. This duty previously applied to Local Authorities and Health Boards, amongst others. This includes duties in several devolved policy areas including education and training, housing and health and social care, amongst others.
- Clause 3 and Schedule 1 establishes the Defence Housing Service, with its stated function to improve defence housing and the management of land for defence purposes. This includes compulsory purchase powers for acquiring land for defence housing and purposes connected with the Defence Housing Service's purposes.
- Clause 9 concerns the assessment of risks posed by certain offenders who have been sentenced by the service courts.
- Clause 10 provides for a Code of Practice to be issued by the Secretary of State for those providing support to victims of service offences. The clause requires any person who has functions of a public nature relating to victims of service offences, or any aspect of the service justice system, to have regard to the guidance.
- Clause 25 creates a new statutory duty on the Secretary of State to issue guidance to providers of victim services in the service justice system regarding concurrent jurisdiction. Any person who has functions of a public nature relating to victims of alleged conduct which constitutes

⁹ UK Government, Armed Forces Bill Explanatory Notes, Annex A

¹⁰ Welsh Government, Legislative Consent Memorandum on the Armed Forces Bill, 27 January 2026, paragraphs 10-19

an offence triable in a service court or a civilian court must have regard to the guidance.

- Clause 37 and Schedule 6 create a new body corporate, the Reserves Forces and Cadets Association and abolishes the Associations established under the *Reserve Forces Act 1996*.
- Clauses 50, 52 and 54 are clauses relating to interpretation, extent and comment and transitional provisions.

13. The Memorandum confirms that there was engagement between Welsh Government and UK Government officials, with the Cabinet Secretary describing it as “early, consistent and positive engagement”.¹¹

14. The Memorandum also sets out the written correspondence from the UK Government, which included letters to the First Minister on 6 January 2026 and 21 January 2026 outlining the UK Government’s devolution analysis. It also confirms that a trilateral meeting was held between the UK Government’s Minister for Veterans and People, the Scottish Government’s Minister for Parliamentary Business and Veterans, and the Welsh Government.¹²

Delegated powers

15. As noted above, clause 2 of the Bill provides that guidance may be issued by the Secretary of State relating to the Armed Forces Covenant. The clause requires the Secretary of State to consult the Welsh Ministers before issuing the guidance, so far as it relates to devolved Welsh functions.

16. The Bill inserts new sections 343AZA and 343AZB to the *Armed Forces Act 2006*, which provide that the Welsh Ministers, local authorities, education and health bodies in Wales are specified persons subject to the duty. Section 343AF of the *Armed Forces Act 2006* allows the Secretary of State to, by regulations, amend the bodies and functions subject to the duty and specifies that they must consult the Welsh Ministers if the regulations contain provisions that are within “Welsh devolved competence” (as defined in Section 343AF(8) of that Act).

¹¹ Welsh Government, Legislative Consent Memorandum on the Armed Forces Bill, 27 January 2026, paragraph 6

¹² Welsh Government, Legislative Consent Memorandum on the Armed Forces Bill, 27 January 2026, paragraph 7

17. There is no requirement to seek the consent of the Welsh Ministers or the Senedd in relation to such regulations.

Welsh Government's position

18. The Welsh Government state the reasons for making these provisions for Wales in Bill in the Memorandum, stating:

"It is appropriate to use this UK Bill to make these provisions rather than utilising a Senedd Bill as they fall beyond the legislative competence of the Senedd. The provisions made in the Bill relate to the reserved matter of defence.

However, an LCM is nonetheless required as a number of provisions in the Bill confer, remove or modify functions of the Welsh Ministers and/or Devolved Welsh Authorities (DWAs) or otherwise have regard to devolved matters..."¹³

19. The Cabinet Secretary recommends that the Senedd gives its consent to the provisions listed in the Memorandum, stating:

"I consider it to be in Wales' best interests for such provision to be included in this UK Bill. Inclusion will help ensure a level of consistency across the UK with regard to implementation of the Covenant and embedding the legal duty further, whilst still allowing devolved services and provision to implement additional policy to support the Armed Forces community."¹⁴

2. Committee consideration

20. We considered the Memorandum at our meeting on 2 March 2026¹⁵ and we considered and agreed our report at our meeting on 9 March 2026¹⁶.

¹³ Welsh Government, Legislative Consent Memorandum on the Armed Forces Bill, 27 January 2026, paragraphs 23-24

¹⁴ Welsh Government, Legislative Consent Memorandum on the Armed Forces Bill, 27 January 2026, paragraph 25

¹⁵ ~~Legislation, Justice and Constitution Committee~~, 2 March 2026

¹⁶ ~~Legislation, Justice and Constitution Committee~~, 9 March 2026

Our view

21. We note the Welsh Government's assessment of the provisions within the Bill that require the consent of the Senedd, as set out in the Memorandum.

22. We also note the position of the UK Government as regards consent.

Conclusion 1. We agree with the Welsh Government's assessment, as set out in the Memorandum, of the provisions of the Bill that require the consent of the Senedd in accordance with Standing Order 29.

23. We note that the Bill relates to the reserved matter of defence and does not delegate any regulation-making powers to the Welsh Ministers.

24. We also note that there is a requirement to consult the Welsh Ministers in relation to regulations to be made under section 343AF of the *Armed Forces Act 2006* where they contain provisions that are within Welsh devolved competence as defined in the *Armed Forces Act 2006*.

25. We note and welcome the positive engagement between the Welsh and UK Governments.