

Armed Forces Bill: Legislative Consent

March 2025

This report details the views of the Equality and Social Justice Committee on the Legislative Consent Memorandum (LCM) relating to the Armed Forces Bill which was tabled on 27 January 2026.

1. Background

1. The Armed Forces Bill is sponsored by the Ministry of Defence and was introduced in January 2026.¹ Paragraphs 3 and 5 of the LCM summarise the Bill and set out the UK Government's main policy objectives.
2. Paragraphs 6 to 8 state that there has been "early, consistent and positive engagement" between officials on development of the Bill.²

2. Provisions in the Bill for which consent is required

3. Paragraphs 9 to 19 outline the provisions for which consent is required. In the UK Government's view consent is only required in relation to **clause 2** of the

¹ Armed Forces Bill (as introduced)

² Welsh Government, [Legislative Consent Memorandum](#) – Armed Forces Bill, January 2026



Bill. However, the Welsh Government are of the view that the Senedd's consent is also required for **clauses 3, 9, 10, 25, 37, 50, 52, 54 and Schedules 1 and 6.**³

- **Clause 2** extends the existing legal duty to have due regard to the Armed Forces Covenant principles, to the Welsh Ministers. The matters subject to the extended duty include a number of devolved policy areas (education and training, health and social care, housing etc.).
- **Clause 3 and Schedule 1** establish the Defence Housing Service (DHS) to improve defence housing and manage land used for defence purposes. Compulsory purchase powers are granted to acquire land and other purposes connected with the DHS' functions.
- **Clause 9** concerns the assessment of risks posed by certain offenders. The clause ensures that offenders who have committed certain serious offences under the Criminal Justice Act 2003 are automatically supervised under the multi-agency public protection arrangements (MAPPA) regime set out in that Act.
- **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. Any person who has functions of a public nature relating to victims of service offences must 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 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.
- **Clause 50, 52 and 54** are clauses relating to interpretation, extent and commencement and transitional provisions.

³ Please note that all references are to the clauses and schedules of the Bill as introduced

Reasons for making these provisions for Wales in the Armed Forces Bill

- 4.** The Welsh Government state that a UK Bill is more appropriate to make these provisions than 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.”
- 5.** 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.”⁴
- 6.** The Welsh Government 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.”⁵

3. Committee’s consideration and views

- 7.** We considered the LCM at our meeting on 23 February 2026 and agreed to write to the Cabinet Secretary for Transport and North Wales with key questions. We copied the Local Government and Housing Committee in to the correspondence.⁶
- 8.** Responding on behalf of the Welsh Government, the Cabinet Secretary confirmed “no additional resource is being provided to support public bodies with implementation of the Armed Forces Covenant legal duty”.⁷
- 9.** We asked about the provisions in clause 3 including compulsory purchase powers and how they might interact with devolved housing policy. The Welsh Government confirmed that they would have no role in compulsory purchases by the DHS as they relate to reserved matters. The Cabinet Secretary expressed

⁴ Welsh Government, [Legislative Consent Memorandum](#) – Armed Forces Bill, January 2026

⁵ Welsh Government, [Legislative Consent Memorandum](#) – Armed Forces Bill, January 2026

⁶ ESJ Committee, correspondence to the Cabinet Secretary regarding the Armed Forces Bill LCM, 26 February 2026

⁷ ESJ Committee, correspondence from the Cabinet Secretary regarding the Armed Forces Bill LCM, 9 March 2026

concern regarding “the ancillary functions to dispose of, regenerate or otherwise generate profit from former defence land” stating that these “may run counter to established Welsh Government or local authority place making strategies.”

10. Despite these concerns, the Cabinet Secretary said he had been reassured that “any development brought forward by the DHS would be subject to planning permission.”

Our view

On whether consent is required

We agree with the Welsh Government that in addition to clause 2, the legislative consent of the Senedd is required in relation to clauses 3, 9, 10, 25, 37, 50, 52, 54 and Schedules 1 and 6. This is because these provisions either confer, remove or modify functions of Welsh Ministers and/or Devolved Welsh Authorities or otherwise have regard to devolved matters such as housing, community cohesion and placemaking policy.

We are concerned that the UK Government’s views on the provisions requiring consent diverge so significantly from the Welsh Government’s position and regret the narrowness of the test used by successive UK governments to determine these matters.

Conclusion 1. In addition to clause 2, the legislative consent of the Senedd is required for clauses 3, 9, 10, 25, 37, 50, 52, 54 and Schedules 1 and 6.

On the opportunities for the Senedd to express its views

We must report by the deadline set by Business Committee, which is 20 March 2026. The scheduling of a vote in Plenary, however, is not expected until after the election and therefore whether to grant consent will be a matter for the next Senedd and our successors. We have prepared this report to inform Members consideration of the issues irrespective of whether the committees system for the Seventh Senedd is up and running by the time the next Senedd is asked to consider the legislative consent motion.

These arrangements are irregular and our preference would be for the current Senedd to express its view on the provisions. However, failing that, we think that

this approach is preferable to a situation where no committee scrutiny has taken place.

It is vital that the LCM is debated properly in our national parliament and we fully expect the next government to bring forward a legislative consent motion for debate as soon as practicable in the next parliamentary term.

On policy implications of the Bill and whether to grant consent

We welcome the extension of the Armed Forces Covenant duty to Welsh Ministers as provided for by clause 2. However we note that this will not be accompanied by additional resources which may have an impact on how effectively the duty is implemented in practice.

We share the Cabinet Secretary's concerns that the compulsory purchase powers contained in the Bill could potentially go against Welsh Government and local authority place-making strategies. But we also have significant concerns about and are unclear in what way decisions by the DHS will be subject to planning permission. At present, it is unclear who would act as the ultimate decision-maker in relevant planning cases, and further information is needed before we can be assured that the DHS would not be able to override Welsh Ministers.

We were not able to consider the other clauses in the Bill from a committee scrutiny perspective in sufficient detail in the time that was available to us. However, the UK Government should ensure that the Welsh Government is fully engaged and able to challenge guidance in relation to clauses 9, 10, and 25 and given an opportunity to comment on drafts at an early stage to ensure that the devolved perspective is reflected in the final versions.

Conclusion 2. In terms of legislative consent, at this stage, we recommend withholding consent until more information is forthcoming on the issues highlighted in this report particularly in respect of planning permissions, and the ability of Welsh Ministers to challenge any guidance it disagrees with on the basis of equality between governments.