Welsh Parliament
Equality, Human Rights and Social Justice Committee

Armed Forces Bill:

Legislative consent

September 2026

This report details the views of the Equality, Human Rights and Social Justice Committee on the Legislative Consent Memorandum (LCM) relating to the Armed Forces Bill laid by the Welsh Government on 23 June 2026.

1. Background

1. The Armed Forces Bill (the Bill) was first introduced to the UK Parliament on 15 January 2026.[1] It was reintroduced as part of the UK Government's new legislative programme on 14 May 2026. The Bill is sponsored by the Ministry of Defence.

2. The purpose of the Bill is to renew the Armed Forces Act 2006, the primary legislation governing the armed force. A new armed forces bill is required every five years to ensure the 2006 Act remains in force. The latest is due to expire at the end of 2026. Paragraphs 3 and 5 of the LCM summarise the Bill and set out the Government's main policy objectives.

3. Paragraph 6 states that there has been "early, and helpful engagement" between Welsh Government officials and officials in the Ministry of Defence on the development of the Bill and since its re-introduction.[2]

[1] **Armed Forces Bill (as introduced)**
[2] Welsh Government **Legislative Consent memorandum** – Armed Forces Bill, June 2026

2. Provisions in the Bill for which consent is required

4. The UK Government's Explanatory Memorandum provides that consent is only required in relation to clause 2 of the Bill. However, the Welsh Government's LCM provides that the Senedd's consent is also required for clauses 3, 9, 10, 25, 37, 50, 52 and 54 and Schedules 1 and 6.

- **Clause 2** extends the existing legal duty to have due regard to the Armed Forces Covenant principles to 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's 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.
- Paragraphs 18 to 20 of the LCM provide that consent is required for government amendments to clauses 25 and 54 and Schedule 1, as they amend clauses which require consent.

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

5. The Welsh Government state that support for the UK Armed Forces Community involves both reserved and devolved areas. The Welsh Government state that the provisions in the Bill fall beyond the legislative competence of the Senedd as they relate to the reserved matter of defence.

6. The LCM states that the Welsh Government is supportive of the principles of the Bill and that it supports "extension of the Armed Forces Covenant and strengthening support for the Armed Forces community." [3]

7. 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]

8. The LCM did not provide a recommendation to the Senedd on whether to give consent to the Bill but committed to do so "once the Welsh Government had analysed the wider impact of the UK legislative programme for Wales." [5]

3. Committee's consideration and views

9. Following a general briefing from officials on the LCM at our meeting on 15 July 2026, we agreed to write to the Welsh Government to seek clarification on a number of issues.

10. Responding on behalf of the Welsh Government, the Deputy First Minister and Cabinet Minister for Social Justice clarified that the "expansion of the existing Covenant Legal Duty to Welsh Ministers, subject to legislation, will place a legal requirement on Welsh Government to have due regard to the

[3] Welsh Government Legislative Consent memorandum – Armed Forces Bill, June 2026
[4] Welsh Government Legislative Consent memorandum – Armed Forces Bill, June 2026
[5] Welsh Government Legislative Consent memorandum – Armed Forces Bill, June 2026

Covenant principles when exercising any of their public functions in the specified key policy areas of the Bill." She noted that this is the "first time that UK and devolved government will be required to meet that requirement and therefore is a key change."[6]

11. The Minister stated that the Welsh Government regularly engages with the Ministry of Defence and the other devolved governments, regarding the coordination of veteran services. Specific examples of work undertaken to improve co-ordination of UK-wide services were provided, including the "development of the first UK Strategy for our veterans and subsequent Veterans Strategy published in February 2026."[7]

12. In response to our concern regarding funding, the Minister stated her intention to meet with the UK Minister for the Armed Forces to discuss concerns about the about the cost implications of the expanded duties for public bodies and the lack of any dedicated funding, seeking confirmation of how such costs will be monitored.

13. The Minister said she had written to the UK Government to "seek further clarity regarding the relationship envisaged between the DHS and public bodies in Wales more generally " and noted a planned meeting with Ministry of Defence officials in September "to discuss the new Defence Housing Service and the broader issue of Defence land / availability and potential opportunities for housing development in Wales".[8]

14. In further correspondence on 24 September the Deputy First Minister stated that following "correspondence with UK Government Ministers and reassurances given regarding the Bill" she will recommend that the Senedd consents to the Bill.[9] However, no detail is provided about the reassurances given. We have written to the Deputy First Minister to seek clarification regarding those assurances for Members to have the relevant information prior to the motion debate in the Senedd.

15. The LCM was given further consideration in our meeting on 7 October 2026.

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[6] Letter from the Deputy First Minister to the Chair Equality and Human Rights and Social Justice Committee regarding the Armed Forces Bill 2026, 1 September 2026
[7] Letter from the Deputy First Minister to the Chair Equality and Human Rights and Social Justice Committee regarding the Armed Forces Bill 2026, 1 September 2026
[8] Letter from the Deputy First Minister to the Chair Equality and Human Rights and Social Justice Committee regarding the Armed Forces Bill 2026, 1 September 2026
[9] Letter from the Deputy First Minister to the Chair Equality and Human Rights and Social Justice Committee regarding the Armed Forces Bill 2026, 24 September 2026

Our view

On whether consent is required

We note that the UK Government's views on the provisions requiring consent diverge significantly from the Welsh Government's position.

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.

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 whether the Senedd should grant legislative consent

The Bill relates to defences matters, which is reserved, and to support for the UK Armed Forces Community (which involves both reserved and devolved areas).

The Committee wishes to note that there is no additional funding provided alongside the expansion of duties and welcomes the Welsh Government's actions (set out in their response to the Committee) in writing to the UK Minister for the Armed Forces to ask about how costs to public bodies will be monitored and supported. Consideration should be given both to direct costs arising from the Bill, and the broader hidden costs associated with ensuring public bodies can deliver on the principles of the Covenant.

Further clarification should be sought regarding the use of MOD land and opportunities for housing developments in Wales, and a better understanding of future plans for the use of surplus land.

The Committee were reassured from previous consideration of this LCM by its predecessor Committee that planning rules will apply to the Defence Housing Service, in the same way as other developers.

Conclusion 2. The Committee recommends that the Senedd grants legislative consent.