

Supplementary Legislative Consent Memorandum

Crime and Policing Bill

Background

1. This supplementary Legislative Consent Memorandum (LCM) has been lodged by Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, in accordance with Rule 9B.3.1(c) of the Parliament's standing orders.
2. The Crime and Policing Bill was introduced by the UK Government in the House of Commons on 25 February 2025. The Bill is available on the UK Parliament website via this link: [Crime and Policing Bill - Parliamentary Bills - UK Parliament](#).
3. An LCM was lodged with the Scottish Parliament on 16 May 2025, [Crime and Policing Bill | Scottish Parliament Website](#).
4. Amendments tabled on 24 April 2025 resulted in the requirement for a [Supplementary Legislative Consent Memorandum](#), which was lodged on 12 June 2025.
5. Further amendments tabled on 10 June 2025 resulted in the requirement for a [Second Supplementary Legislative Consent Memorandum](#), which was lodged on 1 August 2025.
6. Further amendments tabled on 27 October, 3 November and 12 November resulted in the requirement for a [Third Supplementary Legislative Consent Memorandum](#), which was lodged on 19 December 2025.
7. Further amendments were tabled on [13 February 2026](#) to strengthen the legal duties on sellers, couriers, contractors and collection point operators involved in the remote sale of knives and crossbows and other weapons. These changes will ensure that such items are delivered directly to the purchaser, who must be verified as being at least 18 years old. It is also proposed to remove the requirement to add civilian employees to the Civil Nuclear Constabulary (CNC) and British Transport Police (BTP) advisory lists when allegations are made after the employee resigns or retires. Amendment to clause 179 will ensure that the definition of "law enforcement employer" is applied consistently. These amendments require the consent of the Scottish Parliament.
8. Amendments were also tabled removing the reasonable belief test from child criminal exploitation, making minor drafting amendments to Child Sexual Abuse

(CSA) image generators and making provision for pre-commencement consultation on police access to driver licensing information. These do not require the consent of the Scottish Parliament because they are technical amendments and the clauses are covered in a previous supplementary LCMs.

9. This is the fourth supplementary LCM for this Bill. Clause numbers refer to the amendments tabled on [13 February 2026](#) and [23 February 2026](#).

10. The UK Government has tabled an amendment to remove the reasonable belief test in the child criminal exploitation offence at clause 41 (previously clause 40). The Bill and the second Supplementary [legislative consent memorandum](#) lodged on 1 August 2025 noted that the perpetrator committed the offence if the child is under the age of 13 or if they do not reasonably believe that the child is aged 18 or over. Stakeholders from Scotland, including the Crown Office and Procurator Fiscal Service, and Police Scotland, raised concerns about the inclusion of the reasonable belief test in the Bill. Scottish Government officials have had significant engagement with the Home Office. Consequently, the UK Government has now tabled an amendment to remove the test so that prosecutors no longer have to prove that the adult did not reasonably believe that the child was aged 18 or over. As this is an amendment of the provision which is within the limits of consent previously provided by Parliament, no further parliamentary consent is required. The Criminal Justice Committee has already recommended to the Scottish Parliament that this offence should be extended to Scotland, following its consideration of the second supplementary LCM in October 2025.

11. Amendments were tabled on 23 February 2026 in regard to clauses 67 and 69 on CSA image generators and possession of advice or guidance about CSA or CSA images, which clarify how the CSA image generator offence will operate in Scotland. The amendments to clause 67 are technical changes and make a minor but important clarification to the definition of a CSA image generator, stating that “CSA image generators” also includes services. The amendments to clause 69 are minor drafting changes. As these are largely technical changes, the Scottish Government considers that no further parliamentary consent is required once they have been tabled, as the original provisions were covered in the [third supplementary legislative consent memorandum](#).

12. The provision around police access to driver licensing information at clause 154 (formerly clause 138) has been amended. The clause contains a statutory requirement for the Secretary of State to consult with the Scottish Ministers before making such regulations and the code of practice. To enable the swift implementation of these provisions, the UK Government has tabled amendments to the Bill to provide that pre-commencement consultation satisfies the requirement to consult under this clause. A further amendment has also been tabled so that the aforementioned regulations will now be subject to the draft affirmative procedure within the UK Parliament.

13. The Scottish Government considers that the technical nature of these amendments means that they do not require legislative consent. The substantive elements of the clause were previously covered within [the original LCM](#) which was considered by both the Delegated Powers and Law Reform Committee and the Criminal Justice Committee last year. The Scottish Government anticipates that the Secretary of State will write shortly to the Scottish Ministers to formally consult on the draft regulations and Code of Practice. This will provide an opportunity for Scottish Ministers to comment on the draft regulations and a draft Code of Practice prior to these being laid by the Secretary of State. As previously indicated to the aforementioned committees, it is the intention of the Scottish Government, where possible, to inform the committees in writing of its response to such consultation.

14. The provisions for which legislative consent is being sought in this supplementary LCM are set out in more detail later in the document.

Content of the Bill

15. The Bill is intended to tackle serious violence, child sexual abuse and violence against women and girls, equip the police and others with the powers they need to combat antisocial behaviour, crime and terrorism and rebuild public confidence in policing and the wider criminal justice system.

16. The Bill as amended makes provision about anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of children, sex offenders, stalking and public order; makes provision about powers of the police, the border force and other similar persons; makes provision about confiscation; makes provision about the police; makes provision about terrorism and national security, and about international agreements relating to crime; makes provision about the criminal liability of bodies; and for connected purposes.

17. A number of provisions in the Bill on introduction triggered the legislative consent process and an LCM was lodged on [16 May 2025](#).

18. Further amendments triggered the legislative consent process and supplementary LCM(s) were lodged on [12 June 2025](#), [1 August 2025](#) and [19 December 2025](#).

Provisions which require the consent of the Scottish Parliament

19. The Bill contains provisions that apply to Scotland and the UK Government has sought legislative consent in relation the following clauses:

Clauses 31-35 - Remote sales of knives etc

20. Clauses 31-35 relate to where knives, crossbows and certain other weapons are sold remotely. The amendments to existing clauses 31-35 strengthen legal requirements falling on sellers, couriers, contractors and collection point operators to ensure items are delivered directly to the buyer who must be aged at least 18¹. The clauses achieve this by adjusting the operation of existing defences to committal of offences falling on sellers, couriers, contractors and collection point operators so as to require more stringent steps are taken to verify age as necessary to avoid criminal liability. The amendments will give the Scottish Ministers new powers to prescribe steps which can be taken by sellers and collection point operators to demonstrate that they can satisfy the defence available to offences relating to age verification.

21. The Scottish Government considers that the LCM process is engaged as these provisions apply to Scotland for a purpose within the legislative competence of the Scottish Parliament; namely that criminal law relating to weapons is devolved, and alters the executive competence of the Scottish Ministers.

Clause 179 and Schedule 21 – Interpretation of sections 173 to 178

22. Clause 179 ensures that the definition of “law enforcement employer” is applied consistently across clauses 173 to 178. Those provisions, alongside schedule 21, create duties on certain bodies to create and consult “barred lists” and “advisory lists” before employing or appointing any persons. The definition of “law enforcement employer” includes bodies who are devolved or whose functions are devolved in Scotland including territorial police forces and the British Transport Police (“BTP”). It also has effect on bodies such as the National Crime Agency (NCA) who holds functions in relation to tackling organised/serious crime which is a devolved matter. Given that the BTP is not a reserved force and law enforcement is generally devolved, this is a devolved matter insofar as it extends to Scotland as the Scottish Parliament should be able to make similar provision in respect of the BTP and NCA (insofar as their functions relate to the investigation and tackling serious/organised crime in devolved areas). Schedule 21 provides that civilian employees are not required to be included in the advisory lists of the Civil Nuclear Constabulary and BTP in respect of allegations made after they resign or retire. Again, insofar as this relates to the BTP functions in Scotland this would be legislating in a devolved area around management of barred and advisory lists.

23. The Scottish Government considers that legislative consent is required as these provisions apply to Scotland for a purpose within the legislative competence of the Scottish Parliament, namely law enforcement.

¹ See various amendments between 28 and 175 - [HL Bill 167—1](#)

Reasons for seeking legislative consent

Clauses 31-35 - Remote sales of knives etc

24. The Scottish Government recommends that the Scottish Parliament provides legislative consent for these clauses as the Scottish Government supports the steps taken to strengthen certain aspects of offensive weapons law. The changes being made relate to legislation on offensive weapons which operates across the nations of the United Kingdom and the Scottish Government considers that it is a sensible use of legislative consent process for the changes to extend to Scotland.

Clause 179 and Schedule 21 – Interpretation of sections 173 to 178

25. The Scottish Government recommends that the Scottish Parliament provides legislative consent for these amendments to ensure that the definition of “law enforcement employer” is applied consistently across clauses 173 to 178, and removes the requirement to add civilian employees to the BTP advisory lists. While BTP is a UK-wide special police force it carries out devolved law enforcement functions in Scotland.

Consultation

26. Consultation on the relevant measures was undertaken by the UK Government as part of preparing the provisions and no major issues arose.

27. The House of Commons call for evidence on the Bill was launched on 14 March 2025.² The Public Bill Committee met for the first time on Thursday 27 March 2025 to consider the Bill and hear oral evidence.³

28. There has been some initial engagement with stakeholders in Scotland to understand views on the provisions for which legislative consent is required.

29. With regard to clauses 31-35 (remote sales of knives etc.) the amendments tabled reflect engagement between respective Governments to ensure suitability for Scots law.

30. With regard to clause 179 and Schedule 21 (Interpretation of sections 173 to 178) the amendments tabled reflect a need to make slight corrections to the existing provisions set out in the Bill. No engagement was undertaken.

² [Crime and Policing Bill: call for evidence - UK Parliament](#)

³ [PBC187 Crime and Policing 1st 15th Compilation 14 05 2025.pdf](#)

Financial implications

31. With regard to clauses 31-35 (remote sale of knives etc.) there are no significant financial implications.

32. With regard to clause 179 and Schedule 21 (Interpretation of sections 173 to 178) there are no financial implications.

Other relevant considerations

33. While there are likely to continue to be both government and non-government amendments to this Bill as it progresses through the UK Parliament as there is keen interest in this area of policy, the timing of the Scottish Parliamentary elections means that the Scottish Government does not anticipate any further Legislative Consent Memoranda will be required where any amendments trigger the requirement for legislative consent.

Post EU scrutiny

34. The Scottish Government has not identified any assimilated law which has been impacted by the Bill.

Conclusion

35. The Scottish Government has concluded that relevant clauses within the Bill require consent from the Scottish Parliament.

36. The Scottish Government recommends that the Scottish Parliament consent to clauses requiring consent as follows:

- For knives, crossbows and other weapons sold remotely, strengthen legal requirements falling on sellers, couriers, contractors and collection point operators to ensure items are delivered directly to the buyer who must be aged at least 18 (adjustments to clauses 31 to 35);
- Ensures that the definition of “law enforcement employer” is applied consistently across clauses 173 to 178, and removes the requirement to add civilian employees to the CNC and BTP advisory lists (adjustments to clause 179 and Schedule 21).

Draft motion on legislative consent

37. It is the Scottish Government’s intention to lodge a Motion on Legislative Consent covering the content of this supplementary LCM but also the original LCM plus the first three supplementary LCMs.

38. The draft motion, which will be lodged by the Cabinet Secretary for Justice and Home Affairs, is:

“That the Parliament agrees that the relevant provisions in the Crime and Policing Bill introduced on the 25 February 2025, and subsequently amended, relating to clauses 31-35 (remote sale of crossbows and knives), and clause 179 and Schedule 21 (Barred Persons Lists and Advisory Lists), so far as these matters fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.”

Scottish Government
March 2026

This Supplementary Legislative Consent Memorandum relates to the Crime and Policing Bill (UK Parliament legislation) and was lodged with the Scottish Parliament on 2 March 2026

Crime and Policing Bill – Supplementary Legislative Consent Memorandum

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