Annex A

MEMORANDUM

ARMED FORCES BILL

Background

1. This memorandum has been laid before the Assembly by the Minister for Justice under Standing Order 42A(9)(b) to explain why a consent memorandum will now not be sought for this Bill.

2. I am laying this memorandum to advise members of an update on the Armed Forces Bill since my memorandum laid on 25 March 2026.

3. The memorandum laid in March did not seek consent but advised that I intended to bring forward a legislative consent motion in due course.

Summary of the relevant parts of the Bill and its policy objectives

4. The Armed Forces Bill 2026 was introduced in the House of Commons on 15th January 2026.

5. The latest version of the Bill can be found at: Armed Forces Bill

Provisions which deal with a Devolution Matter

6. The devolved areas for which legislative consent was requested are set out below.

- **Clauses 6 and Schedule 3 -** Protection from domestic abuse and stalking. Clause 6 and Schedule 3 in the Bill will grant the Service Justice System the powers to impose service domestic abuse and stalking protection orders. Schedule 3 provides for the protection orders to remain enforceable in the civilian justice systems once an individual leaves the armed forces. These provisions touch on the devolved area of public protection.

- **Clause 7 -** Service restraining orders: enforcement etc by civilian courts. This provides for a service restraining order to be enforceable as an equivalent restraining order in Northern Ireland after the person who is subject to the service restraining order has left the armed forces

Reasons for not seeking a Legislative Consent Motion

7. A draft Executive Paper was circulated to Ministers in June 2026; however, it was not possible to reach agreement to place this on the Executive agenda in order to agree on the laying of a Legislative Consent Motion.

8. Without Executive agreement, I am unable to progress the legislative consent motion for this Bill any further.

UK Government View

9. MoD officials have advised that excluding NI from the relevant service justice provisions would create a gap in the protection of victims with Clause 6 and Schedule 3 providing for the continued enforceability of service domestic abuse and stalking protection orders through the civilian justice system after an individual leaves the Armed Forces.

10. Similarly, there would be a gap if Clause 7 were carved out in that it provides for service restraining orders to remain enforceable in NI as equivalent civilian orders after the person subject to the order leaves the Armed Forces.

11. For these reasons the UK Government has advised of its intention to proceed with legislating without consent in Northern Ireland for the relevant provisions.

Engagement to date with the Committee for Justice

12. We have engaged with the Justice Committee on the devolved clauses and have written to update Members on the circumstances.

Conclusion

13. In the absence of the opportunity to progress a legislative consent motion for the provisions, which are intended to provide additional protections for victims, I would be supportive, in this instance, for the UK Government to legislate without consent in Northern Ireland for the relevant provisions.