



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Police Crime Sentencing and Courts Bill**

DATE **20 April 2022**

BY **Jane Hutt MS, Minister for Social Justice.**

The UK Police Crime Sentencing and Courts Bill will impact on the lives of people across Wales, and we have fought to ensure that the voice of the Senedd has been heard throughout the legislative process. The Bill is wide-ranging and includes provisions which fall within the legislative competence of the Senedd. We have provided information about those provisions which fall within competence through Legislative Consent Memoranda laid before the Senedd on: 22 March 2021, 28 May 2021, 5 November 2021, 20 December 2021, 7 January 2022, and 28 February 2022. The number of Memoranda laid reflects the complexity of the Bill.

It has been a lengthy process which has resulted in two Legislative Consent Motion debates in the Senedd, held on 18 January and 1 March 2022. In these debates, members voted in line with our recommendations in the Legislative Consent Memoranda as set out above, giving consent for some provisions in the Bill which are within competence of the Senedd (such as the Serious Violence Duty), and withholding consent for other clauses within competence. The Senedd's rejection of the clauses relating to protest and unauthorised encampments underlined the commitment to the right to gather peacefully and protest, and to ensuring people from Gypsy, Roma and Traveller backgrounds are treated fairly and considerately.

It is now a good time to update members on the broader progress of the Bill, and on our response.

On 31 March 2022, the Bill returned to the House of Lords for consideration of the amendments agreed by the House of Commons on 28 March. This was the second phase of the consideration of final amendments stage of the Bill also known as 'Ping Pong'. The Lords voted to accept some UK Government amendments, but also rejected some amendments which will now be subject to further debate.

Amendments accepted by the Lords on 31 March 2022

Food Crime

The UK Government tabled amendments enabling certain policing powers under the Police and Criminal Evidence Act 1984 to be conferred on food crime officers of the Food Standards Agency and other authorised persons for the purpose of tackling food crime.

These amendments will provide increased enforcement in relation to food-related crime and are welcomed.

Hate Crime

The UK Government tabled a new clause placing a duty on the Secretary of State to prepare and publish a response to the relevant recommendation in the Law Commission's report 'Hate Crime Laws'.

This follows the so-called 'Newlove amendment' in relation to making misogyny a hate crime. The Commons voted to reject the Newlove amendment on 22 February, but the UK Government has tabled this new amendment in response. The Lords voted to accept this amendment on 31 March.

I am disappointed with the outcome on this new amendment. I have said before: misogyny must be treated as a hate crime and this sits well with our approach to Violence Against Women and Girls. Whilst a review of the Law Commission's recommendation is welcome, it does not go far enough in addressing what is a very real and immediate issue. Making misogyny a hate crime as part of the Bill would have been an opportunity to add to the work we are already doing to eradicate violence against women and girls and to tackle a deep-rooted anti-female culture.

Clauses that are subject to further debate

The UK Government sought to make further amendments to the 'Imposing conditions on public processions', 'Imposing conditions on public assemblies' and 'Imposing conditions on one-person protests' clauses of the Bill. These changes mean the threshold for the police to intervene in a protest has now increased, such that in order to take action the police need to now show the protest may cause a person to suffer alarm or distress, as opposed to serious unease, alarm or distress. The amendments will go back to the Commons where they will be debated on 25 April, followed by further consideration by the Lords on 26 April.

My views regarding these clauses are very clear and unchanged. It is vital people continue to have the right to have their voices heard and express their concerns freely, in a safe and peaceful way. My views were clearly echoed when the Bill was debated on 18 January 2022 and 1 March, where the Senedd voted in line with my recommendation to reject these clauses.

The Senedd have already debated and voted on the Bill on two occasions, voting on four motions. Due to timings regarding the Senedd Easter recess and the UK Government's timetable for the Bill, there is no further opportunity for another meaningful debate to take place in time to influence the outcome of the Bill before it receives Royal Assent. Our issues and concerns with the Bill have been raised and discussed with UK Government and my position on the Bill remains the same. I am content the position of the Senedd on this Bill has been articulated, particularly in the debates held on 18 January 2022 and 1 March. I will continue to ensure the Welsh voice is heard and considered as the Bill moves towards Royal Assent, and onwards into implementation.

This statement is being issued during recess to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.