

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NUMBER 2)

POLICE, CRIME, SENTENCING AND COURTS BILL

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 which prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the Senedd.
2. The Police, Crime, Sentencing and Courts Bill (“the Bill”) was introduced in the House of Commons on 9 March 2021. The Bill as introduced can be found at: <https://bills.parliament.uk/bills/2839/publications>. Legislative consent is considered to be required for several of the clauses within the Bill, including the clauses relating to the Serious Violence Duty (SVD). A LCM was laid on 22 March and subsequently on 28 May, when the Bill was reintroduced into Parliament, which included the SVD and recommended that consent be withheld.
3. The Bill introduced the SVD clauses, which includes a power for the SoS to direct public bodies (including devolved Welsh authorities) to collaborate. As introduced, the Bill required the SoS to consult with Welsh Ministers before using the power of direction. An amendment to Clause 17 of the Bill was agreed by the House of Lords Committee on Wednesday 27 October which now means the SoS must obtain consent of the Welsh Ministers prior to directing a devolved Welsh authority in Wales.

Policy Objective(s)

The UK Government’s stated policy objectives are to make the country safer by empowering the police and courts to take more effective action against crime and lead a fair justice system. This includes placing duties on specified authorities within a local government area to collaborate with each other to prevent and reduce serious violence in the area.

Summary of the Bill

4. The Bill is sponsored by the Ministry of Justice.
5. The Bill makes provision ;
 - for the police and other emergency workers to make provision about collaboration between authorities to prevent and reduce serious violence;
 - for new offences and for the modification of existing offences;

- about the powers of the police and other authorities for the purposes of preventing, detecting, investigating or prosecuting crime or investigating other matters;
- about the maintenance of public order;
- about the removal, storage and disposal of vehicles; to make provision in connection with driving offences;
- about cautions;
- about bail and remand;
- about sentencing, detention, release, management and rehabilitation of offenders;
- about secure 16 to 19 Academies;
- and in connection with, procedures before courts and tribunals; and for connected purposes.

Update on position since the publication of the Legislative Consent Memorandum

Since the laying of the reintroduced Legislative Consent Memorandum (“Memorandum No. 1”) on the Bill before the Senedd on 28 May 2021, the UK Government has proposed amendments for a purpose within the legislative competence of the Senedd.

The amendments, the subject of this LCM, are to clause 17 but relate to clauses 9 and through to 22 in respect of which it was recommended that consent was withheld on the basis that on introduction of the Bill to which Memorandum No. 1 relates to clause 17 was a duty consult rather than to obtain consent of Welsh Ministers.

The amendment to clause 17 means that the Welsh Government is now satisfied the Bill provides appropriate protection and safeguards in terms of the interaction with Devolved Welsh Authorities and other devolved issues.

Proposed Amendments to clause 17:

- This amendment replaces the requirement on the Secretary of State to consult the Welsh Ministers before giving a direction with a requirement to obtain the consent of the Welsh Ministers in relation to SVD.

The amendment means the Secretary of State must obtain consent of the Welsh Ministers prior to directing a devolved Welsh authority.

The Welsh Government supports the amendment.

Financial implications

6. There are no financial implications to this Bill.

Conclusion

7. Because the amendment to Clause 17 has been achieved, as detailed above, we now recommend consent be given to clauses 9 through to 22 of the Bill (the SVD clauses), all of which require the legislative consent of the Senedd.

8. Intergovernmental discussions continue on the remaining provisions to which the Welsh Government is currently not recommending that the Senedd gives consent. These are (in the Bill as introduced): criminal damage to memorials (clause 46), unauthorised encampments (clause 61) and clauses 54, 55 and 60 on public order. Further LCMs will follow as appropriate, ahead of the legislative consent debate.

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Minister for Social Justice
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