# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

|  |  |
| --- | --- |
| **TITLE**  | **Police Crime Sentencing and Courts Act** |
| **DATE**  | **7th June 2022** |
| **BY** | **Jane Hutt MS, Minister for Social Justice.**  |

On 28 April 2022, the UK Government Police Crime Sentencing and Courts Act (“the Act”) received Royal Assent. The Act’s journey through the Parliamentary stages has been extensive. As I outlined in my last Written Statement on 20 April 2022 there have been a number of Legislative Consent Memorandum (LCM) laid and two Legislative Consent Motion debates held in the Senedd on 18 January 2022 and 1 March 2022. This long process reflects the breadth and complexity of the number of areas of devolved legislative competence which have been affected by the provisions within the Act.

Provisions in the Act which we have supported

I have ensured that the Welsh voice was heard and considered at every stage of the Bill’s long journey. I am pleased that some of the provisions in the Act make sensible and important changes to the criminal justice system, and will improve the safety of communities in Wales.

There have been some marked achievements during the parliamentary stages of the Act, with the Welsh Government successfully influencing the UK Government to make amendments to the Serious Violence Duty provisions. In the LCM I laid on 28 May 2021, I asked the Senedd to withhold consent to this clause, due to our concerns that that it would give the Secretary of State power to direct a devolved Welsh authority without the Welsh Ministers being properly involved. Following engagement, the UK Government addressed our concerns and an amendment was laid and agreed at the Lords Committee Stage on 27 October 2021. This amendment means the Secretary of State *must* obtain consent of the Welsh Ministers prior to directing a devolved Welsh authority. On 5 November 2021, I laid a Supplementary LCM, supporting this amendment and asking the Senedd to give consent to the Serious Violence provisions.

Further progress was made when an amendment to expand the definition of serious violence to include domestic abuse as defined in the Domestic Abuse Act 2021 and sexual offences as defined in the Sexual Offences Act 2003 was agreed by the UK Government. This expansion means that local authorities, the police, fire and rescue authorities, specified criminal justice agencies and health authorities will be required to include domestic abuse and sexual violence in their serious violence strategies under the Serious Violence Duty.

There are also other provisions in the Act we support, including the introduction of a new offence of breastfeeding voyeurism and changes to game and poaching Acts to deter hare coursing. The repeal of the Vagrancy Act 1824 is another positive provision, which provides an opportunity to create a new environment that no longer unnecessarily criminalises people sleeping rough and begging. I was pleased the Senedd voted to give consent to this clause in the Legislative Consent debate held on 1 March.

Provisions in the Act which we have opposed

There are however provisions within the Act the Welsh Government cannot support and I have continued to make my position on these very clear to the UK Government. The Unauthorised Encampment provisions focus on enforcement and criminalisation, which undermine and jeopardise the traditional way of life of Gypsies and Travellers. The Welsh Government’s approach to managing unauthorised encampments has focussed on engagement with communities and investment for adequate provision of authorised sites and enabling local authorities to meet the accommodation needs (residential and transit) of Gypsy and Traveller communities. This area of work is prioritised again in the Welsh Government’s *Anti-Racist Wales Action Plan*, which contains a specific goal on better addressing accommodation needs of these communities.

The Act also includes provisions which would restrict the right to protest. As a government, we have made a clear stance in favour of this important civil right, and this has been reflected in our LCMs, written statements and in our correspondence to the UK Government. Our position on these provisions was supported and echoed by Members of the Senedd when they were debated on 18 January and 1 March 2022, where the Senedd voted in line with my recommendation to withhold consent to these provisions. Provisions in the Act relating to imposing condition on public processions, imposing conditions on public assemblies and imposing conditions on one-person protests were also repeatedly voted down in the House of Lords.

The UK Government’s view, as stated in the Lords Third reading on 25 January by the Minister of State, Home Office (Baroness Williams of Trafford), is that the public order and unauthorised encampments provisions in the Bill relate to reserved matters and therefore did not engage the LCM process, or indeed require legislative consent. This was a disappointing response, and it was sad to see these clauses included in the final Act. We have been working with police colleagues on the implementation approach to the Act, using our strong and valued partnerships to ensure they are enforced in line with our progressive approach to justice issues in Wales and our distinct legislative context.

Supporting the effective implementation of the Act

Since the Act received Royal Assent, our focus has been on the implementation of the Act and ensuring that this creates the best possible outcomes for Wales. In particular, my officials have worked with the UK Government, Wales Violence Prevention Unit, Wales Safer Communities Network and other key partners on drafting the statutory guidance for the Serious Violence Duty. This guidance includes a specific chapter on the delivery of the Duty in Wales, ensuring the devolved nature of Wales’ policy and legal landscape. This work will help organisations in Wales to protect communities and prevent serious violence.

My officials will continue to work with the UK Government on the implementation of the Duty and the Act as a whole. Other key aspects of our work on the Act include:

* Working with police leads on the implementation of the Police Covenant, which was became law as part of the Act, in Wales. This work will ensure that police staff have equal access to services in Wales,
* Engaging on the development of successor legislation for the Vagrancy Act, which is being developed as part of the Levelling Up and Regeneration Bill announced by the UK Government on 11 May 2022.
* Supporting the pilot of the Offensive Weapons Homicide Review process in Wales, as part of the implementation of our broader Single Unified Safeguarding Review process.

Introduction of the Public Order Bill

Additionally, following the passing of the Act the on 11 May 2022 the UK Government have introduced a new Public Order Bill. The Public Order Bill brings back several of the clauses on protest voted down by the Lords during the passage of the Act, including the offence of locking on (for instance, handcuffing yourself to an object or another person) obstructing major transport works and interference with key national infrastructure. This is a transparent attempt to crush the right to protest and free expression which are so important to our society, and shows the disappointing and regressive approach being taken by the UK Government.

The provisions within the Bill as currently drafted are reserved and therefore do not require the Welsh Government to engage in the LCM process. Although there is no opportunity at this point for an LCM to be laid, I am taking this opportunity to make my views clear on the Public Order Bill. These provisions still hinder people’s rights to protest and my position on this issue is unchanged. It is vital people continue to have the right to have their voices heard and express their concerns freely. I will continue to use every lever available to me and to this government to support the right to protest.