

The Welsh Government's Legislative Consent Memorandum on the Crime and Policing Bill

June 2025



1. Background

1. The Crime and Policing Bill¹ (the Bill) was introduced into the House of Commons on 25 February 2025. It is sponsored by the Home Office.
2. According to its long title, the Bill makes provision in the following areas:
 - anti-social behaviour, offensive weapons, offences against people (including sexual offences), property offences, the criminal exploitation of persons, sex offenders, stalking and public order;
 - powers of the police, the border force and other similar persons;
 - confiscation;
 - the police;
 - terrorism and national security, and about international agreements relating to crime;
 - the criminal liability of bodies; and
 - for connected purposes.²
3. A factsheet published by the UK Government provides the following background to the Bill:

"The Crime and Policing Bill supports the delivery of the government's Safer Streets Mission to halve knife crime and violence against women and girls in a decade and increase public confidence in policing and the wider criminal justice system.

It will implement key manifesto commitments, such as introducing respect orders and a standalone offence of assaulting a retail worker. It will help to rebuild the public's confidence in policing, by equipping the police with more powers to respond quickly to criminal activity, whilst reforming the police accountability system.

¹ Crime and Policing Bill, as introduced

² Crime and Policing Bill, as introduced

Some of the measures in the bill build on parts of the Criminal Justice Bill introduced in the 2023/24 session of Parliament³ that the government supported whilst in opposition.”⁴

4. The Bill completed Committee stage in the House of Commons on 13 May 2025.⁵ At the time this report was agreed, a date for Commons Report stage was yet to be announced.

The Welsh Government's Legislative Consent Memorandum

5. Standing Orders 29.1 and 29.2 provide that the Welsh Ministers must lay a legislative consent memorandum where a UK Bill makes provision in relation to Wales that has regard to devolved matters (relevant provision).

6. On 24 March 2025, Jane Hutt MS, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip (the Cabinet Secretary), informed the Llywydd that a legislative consent memorandum would be laid in respect of the Bill outside the normal two-week deadline set in Standing Order 29. In her letter, the Cabinet Secretary stated:

“This is a complex piece of legislation which cuts across a number of Welsh Government policy areas and Ministerial portfolios ... My officials received first sight of the draft CP [Crime and Policing] Bill on 21 January 2025, with an updated version ... introduced on 25 February 2025.”⁶

7. On 28 March 2025, the Cabinet Secretary laid before the Senedd a legislative consent memorandum (the Memorandum).⁷

8. The Business Committee agreed that the Legislation, Justice and Constitution Committee should report on the Memorandum by 6 June 2025.⁸

³ Consideration by this Senedd, and this Committee, of legislative consent memoranda laid in respect of the Criminal Justice Bill is available on this page: [Legislative Consent: Criminal Justice Bill](#).

⁴ UK Government, [Crime and Policing Bill: Overarching factsheet](#), 25 February 2025

⁵ [Crime and Policing Bill, as amended at Public Bill Committee](#)

⁶ [Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip to the Llywydd, 24 March 2025](#)

⁷ Welsh Government, [Legislative Consent Memorandum: Crime and Policing Bill](#), 28 March 2025

⁸ Business Committee, [Timetable for consideration: Legislative Consent Memorandum on the Crime and Policing Bill](#), April 2025

Provisions for the which the Senedd's consent is required

9. The Welsh Government's assessment, as set out in paragraphs 7 to 29 of the Memorandum, is that consent is required for the following clauses of, and Schedules to, the Bill as introduced:

- clause 1 – Respect Orders;
- clause 2 and Schedule 1 – Youth injunctions and housing injunctions;
- clause 5 and Schedule 2 – Closure of premises by registered social housing provider;
- clause 6 and Schedule 3 – Reviews of responses to complaints about anti-social behaviour;
- clause 7 – Provision of information relating to anti-social behaviour to Secretary of State;
- clause 14 – Assault of retail worker;
- clauses 74 and 75 – Encouraging or assisting serious self-harm;
- clause 90 – War memorials;
- clauses 127 to 129 – International law enforcement data-sharing agreements (I-LEAP);
- clause 132 – Regulations; and
- clause 133 – Regulations made by the Scottish Ministers, a Northern Ireland department or the Welsh Ministers.⁹

10. In respect of clauses 127 to 129, the Cabinet Secretary states:

“Clause 127 confers powers on the appropriate national authority to make regulations for the purpose of implementing an international agreement relating to sharing information for law enforcement purposes (I-LEAP). In addition to providing powers for Welsh Ministers (defined in clause 128 as an appropriate national authority) with a regulation making power for provisions within the legislative competence of the

⁹ Memorandum, paragraphs 10 to 33

Senedd, the clause confers powers on the Secretary of State which could be used to legislate on devolved matters.

This clause provides for the appropriate national authority to make regulations for the purpose of implementing an international agreement relating to sharing of information for law enforcement purposes.

The appropriate national authority is defined in clause 128 as the Secretary of State although at clause 128(4) the Welsh Ministers are also defined as an appropriate national authority in relation to regulations made under clause 127 which only contain provision which would be within the legislative competence of the Senedd if contained in any Act of the Senedd.

These provisions relate to international agreements to share information for law enforcement purposes which are defined in clause 127 (5) as "the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against, and the prevention of, threats to public security".

The Senedd has legislative competence to create or modify offences which do not relate to reserved matters (subject to the paragraph 4 restriction in Schedule 7B) and to make provision about responsibility for the prosecution of devolved offences such as in the areas of environmental or wildlife crime.

Paragraph 10 of Schedule 7A to the Government of Wales Act 2006 reserves international relations, however, paragraph 10(3)(a) of Schedule 7A provides that observing and implementing international obligations is not reserved. Where implementing an international obligation, relating to subject matter which is not reserved this would be within Senedd competence.

The Senedd's consent is required insofar as the provision makes provision with regard to devolved matters, including provision

within legislative competence and the conferral of functions on the Welsh Ministers.”¹⁰

UK Government view on the need for consent

11. As stated in the Memorandum, the UK Government considers that the following clauses of the Bill require the Senedd's consent: clauses 1, 5 and 7 and Schedule 2; clause 14; clauses 74 and 75; and clauses 127 to 129.¹¹

12. The Cabinet Secretary states that she agrees with the UK Government's assessment in relation to these clauses and Schedule, but acknowledges that there is a difference of position in relation to the need for the remaining other clauses listed above, at paragraph 9.¹² The Cabinet Secretary expresses her view that these clauses make relevant provision and as such require consent.¹³

The Welsh Government's position

13. The Cabinet Secretary expresses her view in the Memorandum that it is appropriate for the Bill to make provision for Wales:

“Much of the provision, whilst having regards to devolved matters, would fall beyond the legislative competence of the Senedd. There is limited provision being made within the legislative competence of the Senedd, and I consider it to be in Wales' best interests for such provision to be included in this UK Bill.

Further engagement is taking place with the UK Government on the ILEAP clauses [clauses 127 to 129] and an update will be provided to the Senedd in due course.”¹⁴

14. The Cabinet Secretary concludes:

“... in my view it is appropriate to deal with these provisions in this UK Bill. Further engagement is needed with UK Government on the I-LEAP provisions, and I will update the Senedd when I am able to do so. In relation to all other

¹⁰ Memorandum, paragraphs 25 to 31

¹¹ Memorandum, paragraph 34

¹² Memorandum, paragraph 36

¹³ Memorandum, paragraph 37

¹⁴ Memorandum, paragraphs 38 and 39

provisions in this LCM, I recommend the Senedd gives its consent.”¹⁵

Financial implications

15. According to the Cabinet Secretary, there are no financial implications to the Bill “at this time.”¹⁶

2. Committee consideration

16. We considered the Memorandum on 12 May 2025¹⁷ and agreed our report on 2 June 2025¹⁸.

Our view

17. We agree with the Welsh Government's assessment of the provisions within the Bill that require the consent of the Senedd, as set out in the Memorandum.

18. We also note the position of the UK Government as regards consent.

Conclusion 1. We agree with the Welsh Government's assessment, as set out in the Memorandum, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29.

19. We note the Cabinet Secretary's position that it is appropriate for the Bill to make provision for Wales, on the basis that it is “in Wales' best interests”. The basis on which the Cabinet Secretary makes this statement is unclear to us.

Recommendation 1. The Cabinet Secretary should provide more clarity about why she considers that it is “in Wales' best interests” to include provision within the legislative competence of the Senedd in this Bill, introduced to the UK Parliament, and not in a Bill to be considered by the Senedd.

20. We note the Cabinet Secretary's comments in relation to clauses 127 to 129 of the Bill as introduced (clauses 146 to 148 in the version of the Bill as amended at Public Bill Committee). These clauses confer powers on the Welsh Ministers and UK Government Ministers to make regulations for the purpose of implementing an international agreement relating to sharing information for law enforcement

¹⁵ Memorandum, paragraph 41

¹⁶ Memorandum, paragraph 40

¹⁷ ~~Legislation, Justice and Constitution Committee~~, 12 May 2025

¹⁸ ~~Legislation, Justice and Constitution Committee~~, 2 June 2025

purposes (the I-LEAP provisions). Regulations made by the Welsh Ministers under clause 127 will be subject to the negative procedure in the Senedd; this information was not included in the Memorandum, as is required by Standing Order 29.3(iv).

21. In particular, we note that although there is a requirement for UK Government Ministers to consult the Welsh Ministers before making such regulations, the consent of the Welsh Ministers or the Senedd is not required.

22. We believe that delegated powers in Bills introduced to the UK Parliament that may be used in devolved areas should be conferred on the Welsh Ministers alone. We therefore do not consider it is appropriate that UK Government Ministers may exercise the relevant powers in these clauses, especially so as they will not need to obtain the consent of the Welsh Ministers or the Senedd.

23. We note from the Memorandum that further engagement is taking place with the UK Government on clauses 127 to 129 and that an update will be provided to the Senedd in due course. We also note that, in the meantime, the Cabinet Secretary is not recommending that the Senedd provides its consent for these clauses (as indicated in the extract from the Memorandum at paragraph 14 above).

24. We believe that the Cabinet Secretary should set out the Welsh Government's position in respect of clauses 127 to 129, and the preferred outcome of the further engagement with the UK Government.

Recommendation 2. The Cabinet Secretary should set out the Welsh Government's position in respect of the I-LEAP provisions in clauses 127 to 129 of the Bill as introduced, and the preferred outcome of the Welsh Government's engagement with the UK Government in respect of these clauses.

25. It is also unclear to us why the Welsh Government has not been able to reach agreement with the UK Government to date on clauses 127 to 129 of the Bill, particularly given that the engagement between Home Office and Welsh Government officials is described in the Memorandum as being "consistent and positive", and that the Home Office shared a draft version of the Bill with the Welsh Government. We further note that, while the Bill has been amended at Public Bill Committee stage, these clauses remain unchanged (clauses 146 to 148 in the version of the Bill as amended) as the Bill proceeds to Report stage.¹⁹

¹⁹ Crime and Policing Bill, Stages

Recommendation 3. In light of the level of engagement with the UK Government described in the Memorandum, the Cabinet Secretary should provide further information to explain why the Welsh Government has not been able to reach agreement with the UK Government to date on clauses 127 to 129 of the Bill.