

LEGISLATIVE CONSENT MEMORANDUM

CRIME AND POLICING BILL

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales that has regards to devolved matters.
2. The Crime and Policing Bill (“the Bill”) was introduced in the [House of Commons on 25 February 2025. The Bill can be found at: [Crime and Policing Bill 2025 - GOV.UK](#)
3. My officials have been engaging with officials in the Home Office on the Bill, which has included the sharing of outlines of the measures expected to be introduced as part of the Bill.
4. The Bill comprises 15 parts and is 332 pages long and addresses a wide range of subjects.

Policy Objectives

5. The UK Government’s stated policy objectives are:
 - tackle the epidemic of serious violence, child sexual abuse and violence against women and girls that stains our society
 - protect the public and our town centres from antisocial behaviour, retail crime and shop theft
 - equip the police and others with the powers they need to combat antisocial behaviour, crime and terrorism
 - rebuild public confidence in policing and the wider criminal justice system

Summary of the Bill

6. The Bill is sponsored by the Home Office, Ministry of Justice and Department for Environment, Food and Rural Affairs.
7. The key provisions of the Bill cover:

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

- a) Tackling crime and anti-social behaviour: introducing respect orders, introducing a specific offence of assaulting a retail worker, increase the severity and penalty to take tougher action for low-value shop theft and knife crime
- b) Giving the police increased powers: expanding the powers to drug test on arrest, giving new powers of entry, search and seizure, giving the police greater access to the DVLA database, banning SIM farms and electronic devices used in vehicle theft
- c) Enhancing public confidence in policing and the wider criminal justice system: giving police chief officers the right to appeal the result of misconduct boards, granting firearms officers subject to criminal proceedings the right to anonymity
- d) Tackling violence against women and girls: strengthening offender management and enhancing notification requirements on registered sex offenders, giving victims of stalking the right to know the identity of the perpetrator, introducing a new criminal offence of administering a harmful substance ('spiking')
- e) Protecting children and vulnerable adults: introducing a new duty to report child sexual abuse, creating new offences of cuckooing and child criminal exploitation, introducing new offences related to the taking of intimate images without consent, making grooming behaviour a statutory aggravating factor
- f) Enhancing counter-terrorism powers: introducing a new youth diversion order, making changes to terrorism legislation recommended by the Independent Reviewer of Terrorism Legislation

Engagement with the UK Government

- 8. My officials have had early, consistent and positive engagement with officials in the Home Office as the Bill developed, including sharing a draft version of the Bill.
- 9. The Minister of State for Policing, Fire and Crime Prevention wrote to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip on 6 December 2024 highlighting various measures that would apply to Wales and measures to be applied to Wales which were contained in last session's Criminal Justice Bill or Data Protection and Digital Information Bill.

Provisions in the Bill for which consent is required

Clause 1 – Respect Orders

- 10. Clause 1 inserts provisions into the Anti-social Behaviour, Crime and Policing Act 2014. It creates a new Part A1, Respect Orders. This would give the court power to make respect orders against a person aged 18 or

over on the application of a “relevant authority”. The purpose of this clause appears to be to modify existing measures to prevent and disrupt anti-social behaviour.

11. These provisions confer functions on devolved Welsh authorities and the Welsh Ministers (clause B1 defines “relevant authority” for the purposes of A1 and includes: local authorities, the Natural Resources Body for Wales, the Welsh Ministers exercising security management functions, or a person exercising security management functions on the direction of the Welsh Ministers or under arrangements made between the Welsh Ministers and that person) and consequently have regards to devolved matters. The Senedd’s consent is therefore required.

Clause 2, Schedule 1 – Youth injunctions and housing injunctions

12. This clause introduces Schedule 1 which makes consequential amendments to Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 to provide for youth injunctions and housing injunctions. Relevant authorities will be able to apply for a youth injunction for perpetrators of anti-social behaviour aged 10 to 17 years of age. Relevant authorities will be able to apply for a housing injunction for perpetrators of anti-social behaviour aged 18 or over committing housing related anti-social behaviour that is causing nuisance or annoyance. Paragraph 15 of Schedule 1 inserts section 13A into the Anti-social Behaviour Act 2014 requiring a risk assessment be undertaken and paragraph 16 of Schedule 1 requires consultation to take place before such applications are made. This will involve devolved Welsh authorities. As the provision confers functions on relevant local authorities in Wales, it and Schedule 1 is considered to have regard to devolved matters and the Senedd’s consent is required.

Clause 5, Schedule 2 – Closure of premises by registered social housing provider

13. This clause amends the Anti-social Behaviour, Crime and Policing Act 2014 to enable registered social housing providers to close premises associated with nuisance and disorder. In doing so there are consultation requirements in respect of the police and local authorities.
14. To the extent that these provisions confer functions on devolved Welsh authorities, the Senedd’s consent is required.

Clause 6, Schedule 3 - Reviews of responses to complaints about anti-social behaviour

15. This clause amends Part 6 of the Anti-social Behaviour, Crime and Policing Act 2014. Clause 6 and Schedule 3 together create a duty for local policing bodies to promote awareness of anti-social behaviour case reviews in their police area and provide a route for victims to query decisions. A person exercising public functions in respect of any matters

arising out of the review must have regard to any recommendations made to them in the review, there are also new provisions requiring persons to disclose information. Such persons are likely to include devolved Welsh authorities.

16. To the extent that this clause and Schedule 3 confer functions on devolved Welsh authorities. The Senedd's consent is required.

Clause 7 – Provision of information relating to anti-social behaviour to Secretary of State

17. This clause amends the Anti-social Behaviour, Crime and Policing Act 2014 to allow for the making of regulations by the Secretary of State to require information to be provided by specific relevant authorities.
18. The regulations that may subsequently be made would require “relevant bodies” (s105(3) of the Anti-social Behaviour, Crime and Policing Act 2014) to provide information etc. Whilst this is broadly reserved subject matter from a legislative competence perspective, relevant bodies for the purposes of regulations would likely include devolved Welsh authorities. The provision therefore will have regard to devolved matters and require the consent of the Senedd.

Clause 14 – Assault of retail worker

19. This clause creates a new offence of assault of a retail worker at work. It does not engage any reservations or restrictions in GoWA and is an offence within the legislative competence of the Senedd.

Clauses 74 and 75 – Encouraging or assisting serious self-harm

20. Clause 74 creates an offence of intentionally doing an act capable of encouraging or assisting the serious self-harm of another person. It repeals the offence in section 184 of the Online Safety Act 2023 and replaces it with a broader, different offence.
21. The clauses make provision in relation to Wales for the purpose of deterring and punishing conduct that encourages or assists serious self-harm. That more general purpose is within the legislative competence of the Senedd and therefore consent is required, in so far as the offence extends to and applies in Wales.
22. Clause 75 making supplementary provision to clause 74 creates a duty on the courts to make a criminal behaviour order in certain circumstances and is considered to require the Senedd's consent insofar as it is supplemental to the devolved purposes in clause 74.

Clause 90 – War memorials

23. This clause makes provision in respect of an offence of climbing on a war memorial.
24. Although it appears in the Part of the Bill dealing with public order the offence itself is not confined to a protest context. The historic environment falls within the legislative competence of the Senedd. It is noted that none of the war memorials currently specified in Schedule 11 are situated in Wales, but the clause provides that the Secretary of State may add to this list in regulations.

Clauses 127 – 129 – International law enforcement data-sharing agreements (iLEAP)

25. 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 Senedd, the clause confers powers on the Secretary of State which could be used to legislate on devolved matters.
26. 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.
27. 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.
28. 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”.
29. 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.
30. 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.

31. 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.

Clause - 132 Regulations

32. This clause sets out the consequential and supplementary regulation making power and the parliamentary procedure applicable to regulations made under the Act. An LCM is required insofar as it relates to the Welsh Ministers' regulation power under clause 127.

Clause 133 - Regulations made by the Scottish Ministers, a Northern Ireland department or the Welsh Ministers

33. This clause sets out the parliamentary procedure applicable to the regulation making powers of the Scottish Ministers, the Welsh Ministers or Department of Justice in Northern Ireland. In respect of Wales this relates to the regulation making procedure for the iLEAP provisions so an LCM is required. See Clauses 127 - 129

UK Government view on the need for consent

34. The UK Government considers an LCM is required for the following provisions of the Bill:
- Clauses 1, 5, and 7 and Schedule 2 – Strengthening anti-social behaviour powers
 - Clause 14 – Assault of a retail worker
 - Clauses 74 - 75 – A broader offence of encouraging or assisting serious self-harm
 - Clauses 127 - 129 – Implementation of international law enforcement information sharing agreements.
35. I agree with UK Government's assessment in relation to the clauses listed in paragraph 38.
36. However, there is a difference in position in relation to the need for consent for following clauses:
- Clauses 2, Schedule 1 - Youth injunctions and housing injunctions
 - Clause 6, Schedule 3 - Reviews of responses to complaints about anti-social behaviour
 - Clause 90 – War Memorials
 - Clauses 132 and 133 – Regulations made by the Scottish Ministers, a Northern Ireland department or the Welsh Ministers.

37. In my view, these clauses make provision in relation to Wales that have regard to devolved matters. As a result, in accordance with Standing Order 29, Senedd consent is required.

Reasons for making these provisions for Wales in the Crime and Policing Bill

38. In my view, it is appropriate for this 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.
39. Further engagement is taking place with the UK Government on the I-LEAP clauses and an update will be provided to the Senedd in due course.

Financial implications

40. There are no financial implications to this Bill as this time.

Conclusion

41. As outlined above, 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 provisions in this LCM, I recommend the Senedd gives its consent.

Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip
28 March 2025