

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 2)

CRIME AND POLICING BILL

1. This legislative consent memorandum (LCM) 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 Cymru if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.

2. The Crime and Policing Bill (“the Bill”) was introduced in the UK Parliament, the House of Commons, on 25 February 2025. I laid an LCM on 28 March 2025.

3. The UK Government tabled amendments on 19 June at the House of Commons Report Stage. The majority of the amendments do not have regard to devolved matters, however, eleven amendments, make provisions which have regard to devolved matters, as detailed in paragraphs 12 to 19 below.

4. The Bill as amended at Committee Stage can be found at: [Crime and Policing Bill](#)

Policy Objective(s)

5. The UK Government’s stated policy objectives for the Bill 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:

- 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 regular engagement with officials in the Home Office as the Bill developed.

9. The Minister of State for Policing and Crime Prevention wrote to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip on 10 June 2025 outlining new measures that would apply to Wales.

Update on position since the publication of the first Legislative Consent Memorandum (LCM)

10. In the first LCM, I set out that further engagement would be needed with UK Government as regards the approach taken in relation to the provisions in Clauses 127 – 129 – International law enforcement data-sharing agreements (iLEAP). Following official engagement, I am now satisfied with the approach and able to recommend the Senedd supports these provisions. Whilst this is a departure from our usual principle as regards concurrent powers, I recognise the limitations of the powers in their context, the intersect with devolved and reserved subject matters, and the UK's legitimate positions as regards international obligations.

Provisions tabled by the UK Government to the Bill for consideration at Report Stage for which consent is required

- OPC192: Threatening, abusive or insulting behaviour towards emergency workers;
- OPC194: Threatening or abusive behaviour likely to harass, alarm or distress emergency workers;

- OPC 195: Interpretation of sections (Threatening, abusive or insulting behaviour towards emergency workers) and (Threatening or abusive behaviour likely to harass, alarm or distress emergency workers); and
- Clause 112 of the Bill (clause 90 as introduced) as amended by OPC 180, OPC181, OPC182, OPC183, OPC184, OPC187, OPC225, OPC226: Memorials.

11. These new clauses (OPC192, OPC194, OPC195) create a new offence in relation to emergency workers. It is similar to offences in section 31 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences under sections 4, 4A and 5 of the Public Order Act 1986), but unlike those offences can be committed in dwellings.

12. Under the proposed amendments the new offences are created which relate to racially or religiously motivated threatening, abusive or insulting behaviour towards an emergency worker and behaviour likely to harass, alarm or distress an emergency worker.

13. Consent is required for these provisions because they contain provision for a purpose within the legislative competence of the Senedd. The offences are ones that are within the Senedd's power to make as they are summary only and triable either way offences and not of a type reserved under paragraph 4, Schedule 7B to GOWA 2006.

14. The changes to Clause 112 of the Bill (clause 90 as introduced) since the laying of the LCM expand or potentially expand the offence of climbing on a war memorial to other memorials. The amendments remove the reference to 'war' and provide the Secretary of State may add other memorials to the list of memorials currently listed in the Bill. The offence is not confined to a protest context and the historic environment falls within the legislative competence of the Senedd.

UK Government view on the need for consent

15. The UK Government agree that the amendments OPC 192, OPC 194 and OPC 195 require an LCM.

16. Their view is that amendments OPC 180, OPC181, OPC182, OPC183, OPC184, OPC187, OPC225, OPC226 do not require an LCM. However, I believe the stronger argument is that these amendments have regard to devolved matters, and thus I am laying an SLCM in respect of them.

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

17. In my view, it is appropriate to deal with these provisions in a UK Bill as they cover both devolved and reserved matters and our inclusion in this UK legislation enables policy objectives to be most effectively achieved. The new provisions would ensure that emergency workers in Wales received the same

protection as counterparts in England. This provision aligns with the vision to make Wales an anti-racist country as set out by the Welsh Government's Anti-Racist Wales Action Plan, as well as the well-being goal of Wales being a more equal nation as put in place by the Well-being of Future Generations (Wales) Act 2015.

18. Emergency workers targeted due to their sexual orientation, transgender identity and disability would not be covered by this change. By only providing protections for two of the five strands covers in UK hate crime laws, it should be noted that this provision does widen existing disparities, as reviewed and highlighted in detail by the Law Commission in its 2021 report on hate crime laws.

19. It should also be noted that the Public Order Act 1986 also covers the stirring up of hatred on the basis of sexual orientation. It is unclear why this protected characteristic has not been included alongside race and religion.

Financial implications

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

Conclusion

21. In my view it is appropriate to deal with these provisions in this UK Bill. The new provisions ensure that emergency workers in Wales received the same protection as counterparts in England. This provision aligns with the vision to make Wales an anti-racist country as set out by the Welsh Government's Anti-Racist Wales Action Plan, as well as the well-being goal of Wales being a more equal nation as put in place by the Well-being of Future Generations (Wales) Act 2015.

22. As noted in paragraph 11, I am also now in a position to recommend the Senedd consent to the provisions in clauses in clauses 127 – 129 (iLEAP) covered in the original LCM.

23. Therefore, I recommend that the Senedd supports the proposals and gives its consent.

Jane Hutt MS

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

2 July 2025