

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM
(MEMORANDUM NO 3)**

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 and SLCM (No.2) on 2 July 2025.
3. The UK Government tabled amendments on 27 November, 13 and 23 February 2026 during House of Lords Committee Stage.
4. The latest version of the Bill as amended at House of Lords Committee Stage can be found at: [Crime and Policing Bill](#).
5. However, some amendments included in this SLCM, discussed in paragraphs 11-14, amended a [previous version of the Bill](#), as brought from the House of Commons. The amendment numbers referred to in those paragraphs are amendments which can be found [here](#). The amendments discussed in paragraphs 15-21 amend the latest version of the Bill, as linked above and can be found [here](#).

Policy Objective(s)

6. 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

7. The Bill is sponsored by the Home Office, Ministry of Justice and Department for Environment, Food and Rural Affairs.
8. 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

9. My officials have had regular engagement with officials in the Home Office as the Bill developed.
10. The Minister of State for Policing and Crime Prevention wrote to me on 3 November 2025 and 13 February 2026 outlining new measures that were being introduced. A commitment was made to carefully consider how best to amend the law to ensure fairness across the protected characteristics in response to my letter on 30 October 2025.

Update on position since the publication of the Supplementary Legislative Consent Memorandum (Memorandum No 2)

11. In SLCM (No.2), I set out that emergency workers targeted due to their sexual orientation, transgender identity and disability would not be covered by the amendments. I wrote to the Policing Minister on 30 October 2025 requesting that the definition was widened to include protections for all five strands covered in UK hate crime laws. The current amendments widen the definition of hostility which is relevant to this offence to now include all five characteristics.
12. There are a further two amendments which relate to Clause 1 and Clause 7. These make technical amendments to clauses which were the subject of the first Legislative Consent Memorandum. Whilst these clauses do not make relevant provision for the first time, I am bringing them to the attention of the Senedd for transparency

Provisions tabled by the UK Government to the Bill for consideration at House of Lords Committee Stage for which consent is required

13. Amendment numbers 34, 36, 462, 463, 465, 466 which remove data protection override provisions (due to these being rendered no longer necessary due to the general data protection override introduced by section 106(2) of the Data (Use and Access) Act 2025, which inserted section 183A into the Data Protection Act 2018) from what is now clause 7 and clause 209 which were previously subject to an LCM.
14. A supplementary LCM is required for amendments to clauses which were previously subject to an LCM as to communicate the removal of these provisions to members of the Senedd, to ensure a full understanding of the clauses requiring consent.
15. Amendment numbers 508A and 508B, which amend what is now clause 209 of the Bill (“Regulations made by the Scottish Ministers, the Department of Justice or the Welsh Ministers”) to reflect changes introduced by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, namely that regulations made by Welsh Ministers under the Bill would be by “Welsh statutory instrument” (and not “statutory instrument”), and that such regulations would be made subject to “the annulment procedure” (and not the “negative procedure”).

16. Since an LCM has been previously laid for this clause a further supplementary LCM is required for the reasons noted above, so as to communicate the changes to Senedd members and to ensure a full understanding of the clauses requiring consent.
17. Amendments 335, 347, 349, 353 which expand the definition of “hostility” in the offences created by amendments at House of Commons Report Stage to protect emergency workers from racially or religiously aggravated behaviour, to include hostility related to disability, sexual orientation and transgender identity.
18. 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.
19. Amendments 339 and 340 insert new provisions in the Bill in respect of honour-based abuse. For the first time there is a statutory definition of ‘honour-based abuse’. Amendment 339 confers a power on the Secretary of State to issue guidance to public authorities about honour-based abuse. The context is such that the guidance is likely to be given to a wide range of public authorities. Devolved Welsh authorities will be required to give due regard to this guidance.
20. Amendments 466 and 468. which insert a new clause (along with relevant commencement provisions) which amends section 60C(3), 61, 62, 62B(2) and 62C(2) of the Criminal Justice and Public Order Act 1994 to reduce the “prohibited period” during which it is an offence for an individual who has been requested or given notice to leave the land on which they are residing or trespassing upon with a vehicle to return to the land from twelve months to three months.
21. These amendments modify provisions which were previously introduced or amended by the Police, Crime, Sentencing and Courts Act 2022 (“the 2022 Act”). The Welsh Government, in a Written Statement, noted their broad opposition to the 2022 Act’s focus on “enforcement and criminalisation” and undermining of “Gypsy and Travellers rights”, preferring an approach to managing unauthorised encampments which “focussed on engagement with communities and investment for adequate provision of authorised sites, enabling local authorities to meet the accommodation needs (residential and transit) of Gypsy, Roma and Traveller communities.” As such, while an LCM was laid for the Bill at introduction, consent was withheld for these provisions.

22. The current amendments reduce the prohibited return period to three months. Although the emphasis on criminalisation, which I have previously opposed remains, I welcome the significant reduction in this timeframe, as it meaningfully lowers the risk of criminalising Gypsies and Travellers who may return to land because they have no lawful alternative. These proposed amendments therefore represent an essential and pragmatic step forward.
23. Consent is required for these provisions since they have regard to devolved matters, and these provisions have a material impact on a number of devolved policies as per section 107(6) of GoWA.

UK Government view on the need for consent

24. The UK Government agree that the amendments 335, 347, 349, 353 are a mix of devolved and reserved matters that require an LCM.
25. UK Government consider amendments 339 and 340 do not require an LCM as they primarily relate to reserved matters. However, Welsh Governments view is there is an argument it is wider than this and the provisions relate to devolved matters. Further public authorities will be required to have regard to the guidance which in the context is likely to place new functions on devolved Welsh authorities even if the provision relates to reserved matters. I therefore consider the provisions require an LCM.
26. Their view is that amendments 466 and 468 do not require an LCM as they relate to a series of reserved matters. However, I believe the stronger argument is that these amendments have regard to devolved matters due to the reasoning set out above, and thus I am laying an SLCM in respect of them.

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

27. 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.

28. This provision aligns with the vision to make Wales an anti-racist country set out in the Anti-Racist Wales Action Plan (2022) and supports the well-being goal of creating a more equal nation under the Well-being of Future Generations (Wales) Act 2015. It also reflects the Disabled People's Rights Plan (2025) vision for a Wales where disabled people have equitable rights, inclusion and participation, and the LGBTQ+ Action Plan (2023) ambition to make Wales the most LGBTQ+ friendly nation in Europe, free from fear, discrimination and hate. It supports our vision as set out in the VAWDASV National Strategy 2022–2026 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.
29. By widening the definition Emergency workers targeted due to their racially or religiously aggravated behaviour to include hostility related to disability, sexual orientation and transgender identity is a welcomed amendment.
30. The amendments in relation to unauthorised encampments, reducing the prohibited period for return to the land back to three months, is a welcome improvement. The decrease of time meaningfully reduces the risk of criminalising Gypsies and Travellers who return to land simply because they have nowhere else lawful to go. Therefore, the proposed amendment is an essential and pragmatic step.
31. The amendments in relation to a definition of honour-based abuse and on multi-agency guidance for honour-based abuse are generally welcomed. It is pleasing that stakeholders in Wales have been engaged on the development of the definition of honour-based abuse which is intended to give frontline agencies a shared, consistent framework for identifying and responding to these cases. The inclusion of multi-agency guidance to support identification, prevention, information-sharing and coordinated responses across agencies is also a welcome step, but as this will apply to public authorities generally Wales will need to be closely involved from the earliest stage in the development of this guidance.

Financial implications

32. There are no financial implications to this Bill.

Conclusion

33. 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. It supports our vision as set out in the VAWDASV National Strategy 2022–2026 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

34. The amendments reduce the prohibited return period to three months. While I continue to oppose the focus on criminalisation, I welcome this shorter timeframe as it lowers the risk of criminalising Gypsies and Travellers, who have no lawful alternative.
35. 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
3 March 2026