



Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

seneddjlc@senedd.wales

20 April 2022

Dear Huw,

I write to inform you of further changes to the Police, Crime, Sentencing and Courts Bill (“the Bill”), and to outline our response.

On 28 March 2022 the Bill was once again debated in the House of Commons, following amendments tabled by the UK Government on 24 March. A further debate was held on these amendments in the House of Lords on 31 March.

Amendments accepted by the House of Lords on 31 March

Food Crime

The UK Government tabled amendments enabling certain policing powers under the Police and Criminal Evidence Act 1984 to be conferred on food crime officers of the Food Standards Agency and other authorised persons for the purpose of tackling food crime.

Hate Crime

The UK Government tabled a new clause placing a duty on the Secretary of State to prepare and publish a response to the relevant recommendation in the Law Commission’s report ‘Hate Crime Laws’.

This follows the so-called ‘Newlove amendment’ in relation to making misogyny a hate crime. The Commons voted to reject the Newlove amendment on 22 February, but the UK Government tabled this new amendment in response.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Jane.Hutt@llyw.cymru
Correspondence.Jane.Hutt@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Clauses that are subject to further debate

UK Government sought to make further amendments to the 'Imposing conditions on public processions', 'Imposing conditions on public assemblies' and 'Imposing conditions on one-person protests' clauses of the Bill. The changes mean the threshold for the police to prevent or deal with a protest has now increased, meaning that in order to take action the police need to now show the protest may cause a person to suffer alarm or distress, as opposed to serious unease, alarm or distress.

The amendments will go back to the House of Commons where they will be debated on 25 April, followed by further consideration by the Lords on 26 April.

Welsh Government approach to the latest amendments

As you are aware, Standing Orders require a Legislative Consent Memorandum to be laid "normally" within two weeks of the tabling of UK Government amendments, in this case by 7 April.

I am sure you will recognise that these amendments are not being raised under 'normal' circumstances. It is very unusual to have substantive amendments this late in the legislative process. The Senedd has already voted on four motions concerning this Bill, making its position clear on the policy issues under consideration.

Although we are continuing to make the views of the Senedd known to the UK Government, the timings around Easter recess mean there is no further opportunity for the Senedd to hold another meaningful debate to indicate its view in relation to this Bill in time to influence its outcome.

Given the significance of the Bill I have today laid a [written statement](#) setting out the amendments which have been made. This written statement reaffirms the Welsh Government's position on the amendments, but also highlights once more the votes of the Senedd on the amendments which fall within competence.

I am copying this letter to all Members of the Senedd and Jenny Rathbone MS as Chair of the Equality and Social Justice Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Jane". The signature is written in a cursive style with a long horizontal line above the first letter.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice