



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Police Crime Sentencing and Courts Bill**

DATE **24 March 2021**

BY **Jane Hutt MS, Deputy Minister and Chief Whip**

On 9 March the UK Government introduced the Police, Crime, Sentencing and Courts Bill. The Bill covers a wide range of areas within criminal justice which are, for the most part, reserved matters. However there are some provisions within the Bill which I believe are within the legislative competence of the Senedd. Therefore, on Monday 22 March I laid a Legislative Consent Memorandum (LCM) outlining the provisions within the Bill that relate to devolved matters.

As the Senedd is entering recess and a pre-election period, there is not enough time to refer the LCM for scrutiny through the Business Committee as would normally happen. However, this is an important Bill, which affects Wales, and I believe it is crucial it is subject to effective scrutiny. For this reason I chose to lay the LCM despite the lack of available time for full scrutiny. I would expect a further memorandum and Legislative Consent Motion will therefore be laid soon after the election to allow for a full and fair scrutiny process.

As a Government we have reviewed the Bill. There are provisions that will make sensible and important changes to the criminal justice system that will improve the safety of communities in Wales.

However, there are provisions that as a Government we cannot accept. The Serious Violence Duty within the Bill will give new powers to the Secretary of State (SoS) to issue directions for the purposes of enforcing the serious violence duty. This could potentially see the SoS issuing directions on devolved matters which fall within the remit of our devolved Welsh authorities.

I have also raised concerns regarding the Unauthorised Encampments provision. The Welsh Government's approach to managing unauthorised encampments has 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. This area of work is prioritised again in the forthcoming Race Equality Action Plan, which contains a standalone goal on better

addressing accommodation needs of these communities. The proposed provisions put forward by the UK Government focus on enforcement and criminalisation. I am concerned that the proposals outlined within the Bill undermine Gypsy and Traveller rights and potentially criminalise families unfairly. The proposed new offences could result in Gypsies and Travellers who have no access to suitable or authorised site provision being subjected to continual eviction and potential prosecution.

We have also raised concerns regarding provisions that impact upon the right to lawful and peaceful protests. The Bill will impose conditions on public processions, public assemblies and on one-person protests that could make it difficult for people's voices to be heard. Whilst public order is a reserved matter, the noise element within these provisions relate to environmental health matters, which are devolved to Welsh Government. The Welsh Government's approach to noise policy is centred on the ways of working contained in the Well-being of Future Generations Act, including the principle of involving people in decisions that affect them, and seeking the right sound environment for a given context. This ensures that people's views are considered as well as numerical criteria.

I am calling on the UK Government to re-evaluate the Bill and take into consideration our concerns. However the UK Government must go further than that. Following the tragic death of Sarah Everard and the vigils held in her memory it is evident that we must make societal and cultural changes to ensure all women and girls can live fear free.

The Bill is an opportunity for the UK Government to ensure our criminal justice system is one which protects the safety of everyone in society, including women and girls, and enables the public to continue expressing their concerns freely.