

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM  
(MEMORANDUM NO. 2)**

**SERIOUS CRIME 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 the National Assembly for Wales if a UK Parliamentary Bill makes provision in relation to Wales for a purpose that falls within, or modifies the legislative competence of the National Assembly.
2. The Serious Crime Bill (“the Bill”) was introduced in the House of Lords on 5 June 2014. A copy of the Bill can be found at:

<http://services.parliament.uk/bills/2014-15/seriouscrime.html>

**Summary of the Bill and its Policy Objectives**

3. The Bill is sponsored by the Home Office. The UK Government’s policy objectives for the Bill is to ensure that law enforcement agencies have effective legal powers to deal with serious and organised crime.
4. The Bill is in six Parts:
  - Part 1 makes provision in respect of the recovery of property derived from the proceeds of crime.
  - Part 2 makes amendments to the Computer Misuses Act 1990.
  - Part 3 provides for a new offence of participating in the activities of an organised crime group and strengthens the arrangements for protecting the public from serious crime and gang-related activity provided for in Part 1 of the Serious Crime Act 2007 and Part 4 of the Policing and Crime Act 2009 respectively.
  - Part 4 provides for the seizure and forfeiture of substances used as drug-cutting agents.
  - Part 5 amends the law in relation to the offences of child cruelty and female genital mutilation, provides for female genital mutilation protection orders and creates a new offence of possession of “paedophile manuals”.
  - Part 6 provides for or extends extra-territorial jurisdiction in respect of the offences in sections 5 (preparation of terrorist acts) and 6 (training for terrorism) of the Terrorism Act 2006 and confers Parliamentary approval (as required by section 8 of the European Union Act 2011) for two draft Council Decisions under Article 352 of the Treaty of the Functioning of the European Union. Part 6 also contains minor and consequential amendments to other enactments and general

provisions, including provisions about territorial application and commencement.

### **Provisions in the Bill for which consent is sought**

5. The consent of the Assembly is sought for the amendments tabled by Karen Bradley, Minister for Modern Slavery and Organised Crime, in the UK Parliament on 8 January 2015, which introduces new provision relating to 'Controlling or coercive behaviour in intimate or family relationships'. Details of the amendment can be found in the Notices of Amendments tabled in Public Bill Committee; this list was tabled in Parliament on 8 January 2015.
6. Amendment NC9 inserts a new clause into the Serious Crime Bill creating a new offence for controlling or coercive behaviour in relation to domestic abuse. The purpose is to make it an offence for a person who repeatedly or continuously engages in behaviour that is "controlling or coercive" against another person with whom they are personally connected, as set out in subsection (1). Subsection (2) defines "Personally connected" as people in an intimate personal relationship or who live together and are either members of the same family or were previously in an intimate relationship with each other.
7. Subsection (3) states that person A does not commit an offence if they have parental responsibility for person B. Subsection (4) describes a persons behaviour has a "serious effect" if person A causes fear that violence will be used on person B, on at least two occasions, or that that behaviour causes such alarm or distress that it will have an adverse effect on person B's day to day activities.
8. Subsections (6) and (7) provide definitions of what is meant by 'members of the same family', 'civil partnership agreement', a 'child', a 'relative' and 'parental responsibility, for the purposes of this new clause.
9. Subsections (8) to (10) set out the case for a defence in proceedings and the evidence required in respect of a defence. Subsection (11) states that the new offence will be subject to a maximum sentence of 5 years imprisonment where convicted on indictment.
10. The provision applies in relation to England and Wales.
11. It is the view of the Welsh Government that the provisions relating to the offence of controlling or coercive behaviour fall within the legislative competence of the National Assembly for Wales in so far as they relate to "Prevention, treatment and alleviation of disease, illness, injury disability and mental disorder"; "Social welfare including social services"; and "Care of child children, young adults, vulnerable persons and older persons including care standards" under Part 1 of Schedule 7 to the Government of Wales Act 2006.

## **Advantages of utilising this Bill rather than Assembly legislation**

12. It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most practicable and proportionate legislative vehicle to enable these provisions to apply in relation to Wales. The inter-connected nature of the criminal justice system in England and Wales means that it is more effective and appropriate for the provision to be taken forward at the same time in the same legislative instrument.

## **Financial implications**

13. There are no financial implications for the Welsh Government.

**Leighton Andrews AM**  
**Minister for Public Services**  
**January 2015**