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Anti-social Behaviour, Crime and Policing Bill

The Minister of State for Crime Prevention (Norman Baker): Currently Schedule 7 to the Government of Wales Act 2006 includes an exception to the National Assembly's competence in relation to 'anti-social behaviour orders'. As a result, an amendment to Schedule 7 to that Act is necessary to ensure the exception's continuing operation following the reforms made in this Bill.

In line with the devolution settlement, this amendment should have the same scope as the current exception. Criminal justice is not devolved to the Assembly but the exception is necessary to make clear that in legislating about social welfare or any other transferred subject, the Assembly does not have the competence to make provision for orders equivalent to those first created by the Crime and Disorder Act 1998. As this Bill abolishes these orders and repeals the relevant sections of the 1998 Act (amongst other things) an amendment to the exception was also necessary as a consequence. The amendment maintains the existing scope by relating only to orders that deal with the kinds of behaviour that could have been restricted under the existing regime and which we would reasonably regard as part of the criminal justice system.

In the Government's evidence to the Silk Commission in March this year, we highlighted that there was some confusion as to how the current exception should be interpreted. Since submitting that evidence, we have concluded that the exception should be interpreted narrowly, to mean the subject matter of orders under the Crime and Disorder Act 1998. The amendment is designed to reflect that conclusion.