

National Assembly for Wales

Equality, Local Government and Communities Committee

Report on the Legislative Consent Memorandum for the Assaults on Emergency Workers (Offences) Bill

Background

On 7 December 2017, the Cabinet Secretary for Health and Social Services laid a Legislative Consent Memorandum ('the LCM') for the Assaults on Emergency Workers (Offences) Bill currently before the UK Parliament.

On 12 December 2017, the Business Committee referred the LCM to the Equality, Local Government and Communities Committee ('the Committee') and the Health, Social Care and Sport Committee for consideration. In referring the LCM, the Business Committee set a reporting deadline of 22 February 2018.

A Legislative Consent Motion, seeking the Assembly's consent to the relevant provisions in the Bill (as outlined in the LCM) has been scheduled for debate in Plenary on 27 February 2018.

The LCM

Paragraphs 4 to 6 of the LCM summarise the Bill and its policy objectives. Paragraph 7 to 11 set out the provisions in the Bill for which consent is sought. Paragraph 12 sets out the Welsh Government's views on the provisions being made in a UK Bill, rather than via Assembly legislation.

Provisions in the Bill for which consent is sought

The consent of the Assembly is being sought for clauses 1 to 6 of the Bill because they fall within the Assembly's legislative competence in so far as they relate to (i) fire and rescue services, (ii) provision of health services; and (iii) prevention, treatment and alleviation of diseases under paragraphs 7 and 9 of Part 1, Schedule 7 to the Government of Wales Act 2006.

In summary, the Bill –



- creates a new aggravated version of the existing common assault or battery when committed against an emergency worker with a maximum penalty of 12 months imprisonment;
- creates an aggravating factor for other assaults and related offences against emergency workers, such as ABH, GBH and manslaughter;
- extends police powers to take blood samples with consent, and non-intimate samples without consent, from individuals who assault emergency workers and where there are reasonable grounds to believe that the emergency worker has been exposed to a risk of transmission of an infectious disease.

Reasons for making these provisions

Paragraph 12 sets out the Welsh Government's reasons for making these provisions for Wales in the Assaults on Emergency Workers (Offences) Bill rather than via Assembly legislation. It states that "it is appropriate to deal with these provisions in this UK Bill for reasons of timing and coherence" and concludes that, "in terms of coherence it is considered that legislating via a UK wide Bill is the most effective way of proceeding with this matter".

Committee consideration and conclusion

We considered the LCM at our meeting on 11 January 2018. We note the provisions for which consent is being sought. We also note the Welsh Government's reasons for making provision for Wales in the Bill, rather than via Assembly legislation and, based on these, we have no objection to the agreement of the Motion.

On a broader issue, we note that one of the key policy objectives of the Bill is to improve the protection for emergency workers by strengthening the law when certain offences are committed against them. While we fully support this objective, we believe that tackling violence and anti-social behaviour directed towards emergency workers ultimately relies on the willingness and capacity of the Crown Prosecution Service to prosecute offenders.

