

POLICE, CRIME, SENTENCING AND COURTS BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

The Government has tabled further amendments to the Police, Crime, Sentencing and Courts Bill for Commons Consideration of Lords Amendments Stage. These amendments include two new delegated powers. This supplementary memorandum explains why these new and modified powers have been taken and the justification for the procedure selected.

New clause “*Expedited public spaces protection orders*”: New section 59A(12) of the Anti-social Behaviour, Crime and Policing Act 2014 - Power to specify publication of expedited orders; and new section 60A(4) of the 2014 Act - Power to specify publication of an extension or reduction of the duration of an expedited order.

Power conferred on: Secretary of State

Power exercisable by: Regulations made by statutory instrument

Parliamentary procedure: Negative procedure

Purpose of the power

1. New clause “*Expedited public spaces protection orders*” creates a new category of Public Spaces Protection Orders (PSPOs) for use by local authorities in England and Wales. Expedited orders can only be applied in public spaces within the vicinity of schools, sites used for providing vaccines and sites used for Test and Trace services. They are intended to help ensure that the both the public using services at these sites, and the staff and volunteers providing these services, can do so free from intimidation, harassment and impediment caused by protests or demonstrations outside the site. The regulation-making powers in new sections 59A(12) and 60A(4) of the Anti-social Behaviour, Crime and Policing Act 2014 (the 2014 Act) allow the Secretary of State to give direction to local authorities on the publication of the details of expedited orders as well as any changes to their duration.

Justification for taking the power

2. As with regulation-making powers for regular PSPOs under 2014 Act (see sections 59(8), 60(3)(b), 61(5) and (6)), the purpose of these regulation-making powers is to allow the Secretary of State to make provision as to how local authorities are to publish an expedited order, the extension of such an order and the reduction of such an order. It is important that these orders are published in a consistent manner so that individuals and groups affected are familiar with the terms of any order. The detail as to the publication requirements are an appropriate matter for secondary legislation and is consistent with existing delegated powers around publication for regular-PSPOs in the 2014 Act.

Justification for the procedure

3. These regulation-making powers are subject to the negative procedure by virtue of section 182(4)(b) of the 2014 Act. It is the Government's view that the negative procedure offers an appropriate level of parliamentary scrutiny for these powers, as the regulation-making power does not change the nature of the power to grant expedited orders. Additionally, this level of scrutiny is consistent with the existing level of scrutiny for regulations affected the publication for regular-PSPOs in the 2014 Act.

Home Office
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