



Ein cyf/Our ref: LF/FM/0983/13

Rt.Hon. David Jones MP
Secretary of State for Wales
Office of the Secretary of State for Wales
Gwydyr House
London,
SW1A 2NP

11th October 2013

Dear David,

Anti-social Behaviour, Crime and Policing Bill

I am writing in response to your letter of 8 October. The Minister for Local Government and Government Business has replied to the Minister of State for Policing and Criminal Justice's letter of 7 October on the same subject.

I am disappointed that the Home Office has proceeded to lay the amendment, despite our clear objections on the grounds that the proposed modification to the anti-social behaviour order exception in Schedule 7 to the Government of Wales Act represents a substantive reduction in the Assembly's legislative competence.

The UK Government in its evidence to the Silk Commission acknowledged a lack of clarity on the interpretation of the exception, and suggested that the Commission may wish to consider it. It is difficult to see how you can justify seeking to modify the exception according to the interpretation that you prefer, in advance of Silk's recommendations.

I am clear that the Home Office amendment does not maintain the status quo. It would significantly reduce the Assembly's competence to legislate on new systems of orders to deal with behaviour causing harassment, alarm or distress in devolved contexts. This is a substantive, not consequential, change. I reaffirm that we will lay a legislative consent memorandum and motion for the Assembly's consideration, and the Welsh Government will not be supporting the motion.

I am copying this letter to Home Office Ministers Damian Green MP and Norman Baker MP.

Yours sincerely

CARWYN JONES