



Baroness Royall of Blaisdon
House of Lords
London
SW1A 0PW

5 January 2017

Dear Janet,

POLICING AND CRIME BILL: MAXIMUM PENALTY FOR STALKING OFFENCES

Ahead of Commons consideration of the Lords amendments to the Policing and Crime Bill on 10 January, the Government has been reflecting on the debate at Lords Report stage on what is now Lords amendment 134 (and the associated Lords amendment 305) which would increase the maximum penalty for the offence of stalking involving fear of violence or serious alarm or distress (in section 4A of the Protection from Harassment Act 1997) from five to 10 years' imprisonment.

You will recall that in the debate on 12 December, I recognised the strength of feeling about this issue and the harm that can be caused by the most serious stalking cases. Indeed, as recently as 7 December the Government reaffirmed its determination to protect victims of this appalling crime and to stop perpetrators at the earliest opportunity by announcing our intention to legislate for stalking protection orders. Given the seriousness of the section 4A offence and the devastating impact it can have on victims, we accept the force of the case that has been put forward by Peers and MPs on both sides and, accordingly, the Government agrees that the maximum penalty for the section 4A offence should be raised to 10 years' imprisonment. Indeed, we believe that the maximum sentence for the related harassment offence in section 4 of the 1997 Act of putting a person in fear of violence should also be increased from five to 10 years' imprisonment. Although the section 4 and 4A offences capture different conduct and each case needs to be considered on its own facts and its own merits, cases frequently involve elements of both harassment and stalking and introducing a very substantially different maximum penalty for stalking risks unintended consequences.

The Government has today tabled the attached amendments in lieu of Lords amendments 134 and 305 to give effect to these changes. In addition, the amendments increase the maximum sentence for the racially or religiously aggravated version of the section 4 and 4A offence from seven to 14 years' imprisonment and, in the normal way, provide that the increase in penalties only applies to offences committed on or after the date of commencement.

I hope you will agree that this is a satisfactory outcome and that you will support the Government amendments in lieu – if agreed by the Commons - when the Bill returns to the Lords.

As with your amendment 134, the Government amendment in lieu will apply to England and Wales only. In the Government's view, it would be within the legislative competence of the Scottish Parliament or Northern Ireland Assembly to make corresponding provision and, as such, the motion in respect of the Government amendment would be certifiable under Standing Order 830(2) of the Standing Orders of the House of Commons relating to public business.

I am copying this letter to Lord Rosser, Lord Paddick, Lord Hope of Craighead, Viscount Hailsham, Diane Abbott, Lyn Brown and Joanna Cherry and placing a copy in the libraries of both Houses.

A handwritten signature in black ink, appearing to read 'Susan', is centered on the page. The signature is written in a cursive, flowing style.

Baroness Williams of Trafford