

**POLICING AND CRIME BILL: MEMORANDUM ON THE APPLICATION OF  
STANDING ORDER 83O OF THE STANDING ORDERS OF THE HOUSE IN  
RESPECT OF THE GOVERNMENT'S AMENDMENT IN LIEU OF LORDS  
AMENDMENT 134 TO THE BILL**

1. The following is the Department's assessment of the application of Standing Order 83O (of the Standing Orders of the House of Commons relating to public business) in respect of the Government's amendment (a) in lieu of Lords amendment 134.
2. Government amendment 134(a) would insert new clause *Sentences for offences of putting people in fear of violence etc* into the Bill which would increase the maximum sentence for certain harassment and stalking offences. The new clause would extend and apply to England and Wales only and, in the view of the Government of the UK, 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 amendment 134(a) would be certifiable under Standing Order 83O(2).
3. New clause *Sentences for offences of putting people in fear of violence etc* would increase the maximum sentence for the offences of putting people in fear of violence, in section 4 of the Protection from Harassment Act 1997, and of stalking involving fear of violence or serious harm or distress, in section 4A of that Act, from five to ten years' imprisonment (and from seven to 14 years' where the offence is racially or religiously aggravated). The prevention, detection and investigation of crime are not devolved to the National Assembly for Wales under the Government of Wales Act 2006. In relation to Scotland, the prevention, detection and investigation of harassment and stalking offences is not reserved to the UK Government under the Scotland Act 1998. In relation to Northern Ireland, the prevention, detection and investigation of harassment and stalking offences is not excepted or reserved to the UK Government under the Northern Ireland Act 1998. As such, it would be within the legislative competence of the Scottish Parliament and the Northern Ireland Assembly to make corresponding provision in respect of harassment and stalking offences in Scotland and Northern Ireland respectively. There are examples of legislation relating to the prevention, detection and investigation of stalking offences made by the Scottish Parliament (see section 39 of the Criminal Justice and Licensing (Scotland) Act 2010).
4. The above assessment is presented in tabular form below.

Provision	Extends to E & W and applies to England ?	Extends to E & W and applies to Wales?	Would corresponding provision be within competence of Welsh Assembly for Wales?	Extends and applies to Scotland?	Would corresponding provision be within competence of Scottish Parliament?	Extends and applies to Northern Ireland?	Would corresponding provision be within competence of Northern Ireland Assembly?	Legislative Consent Motion needed?
134(a) (Sentences for offences of putting people in fear of violence etc)	Yes	Yes	No	No	Yes	No	Yes	No

**Home Office**  
**9 January 2017**