Dear Huw,

Firstly, I would like to thank you for your contributions at Committee for Chris Bryant’s Private Member’s Bill Assaults on Emergency Workers (Offences) Bill.

During the debate at second reading and at committee stage, you queried whether the new offence, created by the Bill, of assault or battery committed against an emergency worker would be included in the list of offences that fall within the Unduly Lenient Sentence (ULS) scheme.

The ULS scheme is an important power for the Attorney General to refer sentences for the specific consideration of the Court of Appeal. For that reason, it is confined to relatively serious offences. The scheme applies to all indictable only offences and a small number of triable either way offences that are dealt with in the Crown Court.

All of the offences in the scheme, including those that are triable either way, have more severe maximum penalties than the assault on an emergency worker offence. Including the new offence within the scheme would therefore alter the nature of the scheme quite significantly.

It would also be an unprecedented and premature move to include the new offence in the ULS scheme before commencement and before being utilised by the judiciary. Once the judiciary and Crown Prosecution Service have had the opportunity to use the offence, we will be in a more informed position to deliberate on whether including this offence in the ULS scheme is appropriate.
The Bill does increase the maximum penalty for a common assault when committed against an emergency worker from six to twelve months. The Government is looking at options to expand the application of the ULS scheme to a wider class of offences.

I hope this answer sufficiently addresses your concern. I am copying this letter to the Chair of the Bill Committee, and all Committee Members. I will also place a copy in the House Library.

Yours sincerely,

Nick Hurd MP