



Ministry
of Justice



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Alex Cunningham MP

Shadow Minister for Courts and Legal Services

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Alex Norris MP

Shadow Minister for Policing

MoJ ref: 114855

14 May 2024

Dear Alex and Alex,

CRIMINAL JUSTICE BILL: FURTHER GOVERNMENT AMENDMENTS FOR REPORT

We are writing to provide you with details of a third and final tranche of Government amendments we have tabled today for Report stage.

Tackling retail crime (new clauses “Assault of retail worker”, “Requirements in certain sentences imposed for third assault of retail worker offence”, “Criminal behaviour orders: assault of retail worker” and “Requirements in certain sentences imposed for third shoplifting offence”)

The Government shares concerns raised by MPs and others about increasing numbers of assaults against retail workers and levels of shoplifting. On the 10 April, the Prime Minister announced further measures to clamp down on retail crime, building on the operational policing commitments made by the National Police Chiefs’ Council in the Action Plan published in October 2023. Amongst the measures announced in our policy paper “Fighting Retail Crime”, were a new offence of assaulting a retail worker and the expansion of the use of electronic monitoring for prolific shoplifters.

The offence of assaulting a retail worker, as provided for in new clause “Assault of retail worker”, is supported by the retail sector. The associated new clauses include a presumption that the court will make a Criminal Behaviour Order where one is applied for by the prosecution, and, on the third sentencing occasion, requires the offender to be electronically monitored as part of a community order. This new offence will enable the courts to address the underlying causes of the offender’s behaviour and offer greater protection to retail workers. The National Police Chiefs’ Council and the Association of Police and Crime Commissioners’ have highlighted the importance of it being a summary-only offence and as such the new offence will retain the existing maximum penalties for common assault of six months custodial sentence and/or an unlimited fine.

In addition, new clause “*Requirements in certain sentences imposed for third shoplifting offence*” introduces a presumption towards electronic monitoring as part of a sentence served in the community for those who repeatedly steal from shops. This legislative change will provide that on the third sentencing occasion for a shoplifting offence, an offender would be electronically monitored as part of any community sentence or sentence order. This will strengthen our efforts to expand the use of Global Positioning System tagging.

Nuisance rough sleeping (new clauses “*Guidance*” and “*Commencement of repeal of Vagrancy Act 1824*” and amendments to clauses 59, 60, 69, 71 and 88)

We remain committed to the repeal of the outdated Vagrancy Act 1824 and have invested £2.4 billion over three years to support a multi-agency approach to ending rough sleeping and provide tailored support. Outreach and engagement from local authorities will continue to remain integral to helping vulnerable individuals who are rough sleeping into appropriate support. However, we also recognise that everyone has the right to go about their business without being unduly impeded and that communities have the right to feel safe. The nuisance rough sleeping provisions in the Bill provide a backstop of proportionate powers to be used as a last resort when someone is rough sleeping and causing some form of nuisance to others. The directions, prevention notices and orders are civil tools that offer a tailored and escalatory package that provides for individuals to be encouraged to take up the relevant support available. It is only where there is non-compliance with a lawfully made notice or order that a criminal offence and relevant penalties can arise. This is similar to some ASB tools such as the civil injunction.

Nonetheless, we have listened to the concerns raised during the passage of the Bill by Bob Blackman, Nickie Aiken and others about the breadth of the nuisance rough sleeping provisions. We recognise the need to ensure that these replacement powers are proportionate and properly targeted and can both protect the public and help rough sleepers into relevant support.

Consequently, we have tabled amendments to make the following substantial changes to these provisions:

- Further tighten the definition of ‘nuisance rough sleeping’ to: -
 - only capture actual damage, distress, disruption or distress caused;
 - narrow the definition of environmental damage by removing the reference to ‘smells’;
 - remove the wording of ‘intending to’ or ‘appearing to’ sleep rough.

This significantly narrows the scope of the provisions which reflect the Government’s intention to provide proportionate powers to address actual nuisance caused. They mean they only individuals sleeping rough who have caused actual damage, distress, disruption or harassment can be issued with a nuisance rough sleeping prevention notice or order.

- Remove the offence of failing to comply with a nuisance rough sleeping direction. This will provide another opportunity for local authority outreach workers to engage with the individual and means the individual will have another opportunity to comply with any nuisance rough sleeping notice received. We have similarly removed the requirement on a person who is to be given a move-on direction to provide their name, date of birth and address (if any).
- Include provision for the Home Secretary to issue statutory guidance, with a requirement on the police and local authorities to have regard to the guidance when exercising their functions in respect of the nuisance rough sleeping provisions. New clause “*Guidance*” expressly provides that local authorities and police must first point anyone sleeping rough and causing nuisance to the appropriate support services before exercising any of the powers in the Bill. This will make it clear that these powers are to form part of a support-led approach to tackling nuisance rough sleeping where enforcement action is only taken where other interventions have failed.

- Provide for the nuisance begging and rough sleeping provisions in the Bill and the repeal of the Vagrancy Act 1824 (as provided for in section 81 of the Police, Crime, Sentencing and Courts Act 2002) to come into force at the same time, three months after Royal Assent of the Bill.

We attach a supplementary ECHR and delegated powers memorandums in respect of these amendments.

We are copying this letter to Alison Thewlis (SNP spokesperson for Home Affairs), Chris Stephens (SNP spokesperson for Justice and Immigration), Alistair Carmichael (Liberal Democrat spokesperson for Home Affairs and Justice), Gavin Robinson (DUP spokesperson for Home Affairs), Dame Diana Johnson (Chair, Home Affairs Committee), Sir Robert Neill (Chair, Justice Committee), Joanna Cherry (Chair, Joint Committee on Human Rights), Bob Blackman and Nickie Aiken. We are placing a copy of this letter and attachments in the House library.

Yours sincerely



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Minister for Victims and Safeguarding



Rt Hon Chris Philp MP
Minister of State for Crime, Policing and Fire