

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Letter from the Lord Advocate to the Convener

I am writing to clarify one aspect of the evidence given by Professor Tom Devine to the Committee on 13 September 2011. In his evidence Professor Devine alluded to previous research that was conducted following the implementation of section 74 of the Criminal Justice (Scotland) Act 2003. This was a specific piece of work commissioned by the Scottish Government. The research analysed detailed information on cases reported between 1 January 2004 and 30 June 2005 containing charges aggravated by religious prejudice under Section 74. The findings can be found at:

<http://www.scotland.gov.uk/Publications/2006/11/24133659/0>

In his evidence to the committee, Professor Devine stated that:

“The Lord Advocate ...has a team looking at such data for the entire period from 2003 to the present, the findings from which could be extraordinarily interesting and potentially explosive.”

It may be helpful if I clarify the position as set out by Professor Devine which is not entirely accurate. I can confirm that the Scottish Government did announce a number of initiatives following the meeting of the Joint Action Group on football earlier this year, one of which was that further analysis of Section 74 of the Criminal Justice (Scotland) Act 2003 would be carried out. However, this research would cover cases reported in either a financial or calendar year. Steps are in train to commission this work.

I trust this clarifies the position.

Rt Hon Frank Mulholland QC

Lord Advocate

14 September 2011