This document relates to the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill (SP Bill 19) as introduced in the Scottish Parliament on 21 June 2017

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

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Policy memorandum

Introduction

1. As required under Rule 9.3.3A of the Parliament's Standing Orders, this Policy Memorandum is published to accompany the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill introduced in the Scottish Parliament on 21 June 2017. It has been prepared by the Non-Government Bills Unit on behalf of James Kelly MSP, the member who introduced the Bill.

2. The following other accompanying documents are published separately:

- statements on legislative competence by the Presiding Officer and the member who introduced the Bill (SP Bill 19–LC);
- a Financial Memorandum (SP Bill 19–FM);
- Explanatory Notes (SP Bill 19–EN).

Policy objectives of the bill

3. The aim of the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill ("the Bill") is to repeal, in its entirety, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 ("the 2012 Act") on the basis that the member believes that legislation to be flawed on several levels, including its illiberal nature, its failure to tackle sectarianism, and in view of the fact

that other legislation already exists to address the issues which the Act was intended to cover.

Background

Origins of the 2012 act

4. The Offensive Behaviour at Football and Threatening Communications (Scotland) Bill ("the OBFTC Bill") was introduced in the Scottish Parliament on 16 June 2011, little more than a month after the election when the Scottish National Party achieved an overall majority of MSPs.

5. The 2012 Act's origins derived from the perceived need to tackle problems relating to misconduct and threats during the 2010-11 football season, reportedly associated predominantly with sectarian and other offensive behaviour. The Scottish Government intended to fast-track the Bill relating to the 2012 Act ("the OBFTC Bill") through the Parliament so that it could become law in time for the new football season in late July 2011. Although it was not ultimately treated as an emergency bill, and the timetable for Stages 2 and 3 was extended, it nonetheless continued to be argued that the timetable for the Bill's passage did not allow adequate time for proper scrutiny and for civic Scotland to be properly consulted.

What the 2012 act does

6. The 2012 Act makes provision for two new criminal offences, one involving "offensive behaviour at regulated football matches" (section 1), and one involving "threatening communications" (section 6).

The section 1 offence (offensive behaviour at regulated football matches)

7. The section 1 offence is defined so as to include a number of separate elements. One is that the offending behaviour is "in relation to a regulated football match" and such behaviour does not have to take place in the ground where a match is being held and on the day it is being held. Also covered is behaviour while the person is entering or leaving the ground or on a journey to or from the match. And the same is true in relation to non-domestic premises where the match is being televised – so a person can commit the offence in (for example) a pub where the match is being shown to customers on a TV screen, or while entering or leaving the pub, or on a journey to or from the pub.

8. The second element of the offence is that it involves behaviour that is or would be "likely to incite public disorder".

9. Thirdly, the behaviour must be at least one of the following:

- behaviour "expressing hatred of, or stirring up hatred against", a group of persons based on their religious affiliation or a group defined by reference to their colour, race, nationality, ethnic or religious origins, sexual orientation, transgender identity or disability – or against any individual member of such a group;
- behaviour motivated by hatred of such a group;
- behaviour that is threatening; or
- other behaviour that a reasonable person would be likely to consider offensive.

10. Subject to these requirements, the behaviour may be "behaviour of any kind including, in particular, things said or otherwise communicated as well as things done", and may be behaviour consisting of a single act, as well as behaviour that amounts to a "course of conduct".

The section 6 offence (threatening communications)

11. The section 6 offence consists of communicating material to another person if one of two conditions (A or B) is satisfied – although it is a defence to show that communication of the material was reasonable in the circumstances.

12. Condition A is that the material "consists of, contains or implies a threat, or an incitement, to carry out a seriously violent act" against a person or persons; that the material or the communication of it "would be likely to cause a reasonable person to suffer fear or alarm"; and that the person communicating the material intends to cause fear or alarm or is reckless as to whether that is the outcome.

13. Condition B is that the material is threatening and is communicated with the intention of stirring up hatred on religious grounds. Condition B requires intent (to stir up hatred on religious grounds), in contrast to Condition A where recklessness as to whether the communication concerned would cause fear and alarm can be sufficient (for that condition to be met).

14. Further provisions make clear that "material" means anything capable of being read, looked at, watched or listened to (for example, photographs and audio or video recordings as well as text); and that material can be communicated by any means other than unrecorded speech.

Need for additional legislation and the 2012 act (section 1)

15. The Policy Memorandum (PM) for the OBFTC Bill argued that the section 1 offence addressed a concern that:

> "… a substantial proportion of offensive behaviour related to football which leads to public disorder is not explicitly caught by current law. Such offensive behaviour might not satisfy the strict criteria for causing 'fear and alarm' required to prove Breach of the Peace, or section 38 of the 2010 Act [the Criminal Justice and Licensing (Scotland) Act 2010]. The Bill, therefore, seeks to put beyond doubt that behaviour related to football matches which is likely to incite public disorder and which would be offensive to any reasonable person is a criminal offence."

16. However, since the inception of the Act, questions have been raised as to whether a new offence of "offensive behaviour at regulated football matches" is needed, given that a number of existing offences could be used to prosecute such behaviour, including:

- the common law offence of breach of the peace;
- the Public Order Act 1986 which introduced offences relating to the incitement of racial hatred for which the maximum penalty is an unlimited fine or seven years' imprisonment (Part III (racial hatred), sections 17 to 29);
- the Crime and Disorder Act 1998 which introduced offences of pursuing a racially-aggravated course of conduct which amounts to harassment of a person and acting in a manner which is racially aggravated and which causes, or is intended to cause, a person alarm or distress (section 30, inserting a new section 50A into the Criminal Law Consolidation (Scotland) Act 1995);
- the Criminal Justice (Scotland) Act 2003 which made provision for offences aggravated by religious prejudice, requiring courts to take such aggravation into account when determining sentence (section 74);

- the Offences (Aggravation By Prejudice) (Scotland) Act 2009 which provided for statutory aggravations for crimes motivated by malice and ill will towards an individual based on their sexual orientation, transgender identity, or disability;
- the Criminal Justice and Licensing (Scotland) Act 2010 which made provision for the offence of threatening and abusive behaviour (section 38);
- the Criminal Law (Consolidation) (Scotland) Act 1995 which provided Scottish Ministers with the power to designate sporting events and grounds that are subject to alcohol controls (Part II, sections 18 to 23);
- Football Banning Orders (FBOs) introduced as part of the Police, Public Order and Criminal Justice (Scotland) Act 2006 and which are designed to remove those involved in violence and disorder from all aspects of football. A person subject to an FBO is prohibited from entering any premises for the purposes of attending regulated football matches in the UK (sections 51 to 69).

17. One of the arguments for the Act's repeal, therefore, is that it is not needed as existing laws already made it possible for offenders to be brought to justice.

Illiberal nature of the act

18. The OBFTC Bill PM argued that: "introducing this offence will serve to clarify rather than complicate the law". However, there has been strong criticism that section 1(2)(e), in particular, which criminalises "other behaviour that a reasonable person would be likely to consider offensive" (where it is or would be likely to incite public disorder) is confusing and unclear. The terms of this section do not differentiate between the specific behaviour it is targeted at (i.e. those involved in offensive behaviour at football) and a wider category of behaviour that people should be free to engage in (i.e. what may be considered to be offensive to some, would not be so to others). In this respect, the Act has been interpreted as being illiberal, and does not allow the public to understand what is and what is not allowed, and so is liable to be unfair and arbitrary in its application. Professor Sir Tom Devine was of the view that: "The legislation is likely to

go down in history as the most illiberal and counterproductive act passed by our young Parliament to date"[1].

The focus on football and sectarianism

19. The Scottish Government made clear that the Act was not intended to solve the "sectarian" problem in Scotland on its own and, in evidence to the Justice Committee on 21 June 2011, the then Minister for Community Safety and Legal Affairs, Roseanna Cunningham, told the Committee—

> "I know that sectarianism is not confined to football. It is a much wider and deeper problem for Scotland, and this Government is committed to rooting it out. The bill is therefore only part of a much wider programme of actions against sectarianism. It is, however, a vital first step in the Government's programme in this new session of Parliament."[2]

20. It remains the case, however, that section 1 relates to football and concerns have been expressed as to why only football matches were covered by the legislation, and not other sports events, or events such as parades. There has been concern that the focus on the setting of a football match means that exactly the same (sectarian) behaviour can be treated differently in law solely because of the context in which it occurs.

Need for additional legislation and the 2012 act (section 6)

21. The Bill will also repeal the provisions of the 2012 Act on "threatening communications" within sections 6-9.

22. Offence provisions which apply to threatening communications (in addition to the 2012 Act) currently include:

- common law offences of breach of the peace;
- section 127 of the Communications Act 2003 (inciting the commission of a criminal offence where the communication is electronic in nature);

[1] The Herald, 1 March 2016. Scotland's top historian joined by Celtic FC and public figures in calling for repeal of controversial football laws.
[2] Justice Committee. Official Report, 13 September 2011, Col 257.

- section 38 of the Criminal Justice and Licensing (Scotland) Act 2010;
- the Public Order Act 1986 (incitement of racial hatred);
- section 74 of the Criminal Justice (Scotland) Act 2003 and section 96 of the Crime and Disorder Act 1986 (statutory aggravations on the grounds of religious or racial hatred.

23. In the OBFTC Bill PM, the Scottish Government referred to these pieces of legislation but felt that:

> "While these laws are in place they are not always easily applied to this behaviour. The requirement for a "public element" can make a charge of breach of the peace difficult to bring in some cases. It can also be difficult to establish that someone actually intended to carry out a threat or incite someone else to commit a crime in relation to the common law offences of uttering threats and incitement. While the offence of "threatening and abusive behaviour" does not require a public element, it does require that the behaviour must be of a threatening and abusive manner and could not necessarily be used to prosecute threats made with the intent of inciting religious hatred. Finally, in relation to electronic communications, case law has left some doubt about whether the Communications Act offence can be used to prosecute people who create offensive websites or "groups" on social networks, as opposed to sending threatening emails or other communications."

24. It was further noted that "England and Wales, Northern Ireland and the Irish Republic have all legislated to provide for specific offences relating to inciting religious hatred. Scotland is, therefore, the only part of the UK without a specific offence relating to inciting religious hatred. Where there is a racist element to the behaviour, prosecution using the offences at Part III of the Public Order Act 1986 (incitement of racial hatred) may be appropriate but inciting religious hatred without a racial element is not currently a specific offence in Scotland."

25. However, it can be argued that the law as it stood in 2011 was then and still is sufficient to cover the circumstances in question. In the

evaluation of section 6 of the Act[3], published by the Scottish Government in June 2015, it was noted that:

> "… the high legal threshold of section 6 meant that existing legislation (i.e. section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 and section 127 of the Communications Act 2003) would remain appropriate for the majority of cases involving threatening communications."

26. More significantly, section 6 shares some of the illiberal character of the section 1 offence, including lack of clarity and freedom of speech issues.

Consultation

27. The member carried out a consultation exercise on a draft proposal, lodged on 27 July 2016, which ran from 1 August to 23 October 2016. There were 3,261 responses to the consultation.[4]

28. The consultation document set out arguments in favour of repeal of the Act.

29. Criticisms had been made at the start of the Bill's passage through the parliamentary process, from a wide range of interests – including legal practitioners, football supporters, civil liberties groups and academics – and these criticisms continued to be expressed four years after the Act came into force.

30. A majority of respondents to the consultation were fully or partially supportive of repeal, both of the provisions in the Act relating to offensive behaviour at football (73%), and of the provisions relating to threatening communications (69%).

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[3] An evaluation of section 6 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.

[4] The consultation document and summary of consultation responses are both available from the following page: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/99956.aspx

31. The main arguments in support of the proposed Bill and the repeal of sections 1-5 of the Act (relating to offensive behaviour at football matches) included:

- The lack of time for adequate scrutiny of the 2012 Act during its parliamentary passage, and consequent flaws in its drafting.
- The lack of clarity in defining "offensive behaviour" and the criticism that the Act was consequently illiberal and unfair and arbitrary in its application.
- The targeting of football matches and the criminalisation of football supporters by contrast with other sports or events which might equally be viewed as involving anti-social or sectarian behaviour.
- The infringement of human rights and freedom of speech.
- The need for the Act when there was already legislation in place to address the behaviour in question.
- The negative impact of implementation of the Act on police/football supporter relations.

32. Those opposed to the repeal of sections 1-5 of the Act and therefore unsupportive of the proposed Bill presented views such as:

- The Act was effective in challenging anti-social and sectarian behaviour and therefore should be retained.
- It provided a powerful message that such behaviour was not acceptable at football matches, and its repeal would give the impression that such behaviour was permissible.
- There was no alternative proposal to take the Act's place.
- Instead of repeal, the Act could be amended to address any weaknesses.

33. Arguments in favour of the repeal of sections 6-9 (relating to threatening communications) were similar to those supporting repeal of sections 1-5 in terms of the lack of clarity of the provisions, human rights and freedom of speech issues, and the fact that legislation already existed which would cover the majority of cases.

34. Those opposed to repeal of these sections argued that there was no adequate provision in existing law and that the provisions provided additional protection regarding online threatening communications.

Alternative approaches

35. At draft proposal stage, the member indicated in the consultation document that he was prepared to consider the views of respondents to confirm whether the repeal of section 6 should be included; and subsequently felt that the majority of respondents reached that conclusion.

36. The member considered amendment of the 2012 Act as an alternative to repeal, which might have provided a means to reduce the impact of the Act in particular respects, but only repeal would address the main criticisms that have been made of it, which go to the heart of how the Act works. He was of the view that the Act has become so discredited in the eyes of many football fans that nothing short of wholesale repeal would have a chance of restoring their confidence and re-setting relations with the police.

37. Previous attempts to persuade the Scottish Government to repeal the 2012 Act had not been successful – for example, on 2 November 2016, when the following motion was debated in the Parliament and agreed to (by 64 votes to 63):

> "That the Parliament believes that sectarian behaviour and hate crime are a blight on society in Scotland and should not be tolerated under any circumstances; notes that there are laws in place to prosecute acts of hatred in addition to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012; further notes with concern that the legal profession has repeatedly criticised the 2012 Act for being unworkable and badly drafted; regrets that the Scottish Government hastily pushed the legislation through the Parliament, despite widespread criticism from stakeholders and opposition parties, and urges the Scottish Government to repeal the Act as a matter of priority."

38. Another alternative approach to pursuing a Member's Bill would have been to wait for the outcome of the recently announced review of hate-crime legislation that the Scottish Government has asked Lord Bracadale to

undertake.[5] However, the member considered the inclusion of the 2012 Act in this review to be a stalling tactic by the Scottish Government and that there was already enough evidence to justify repeal of the 2012 Act. He regards the review as otherwise sensible and to be welcomed, and sees no reason why repealing the 2012 Act while the review is under way need prevent it fulfilling its remit.

Effects on equal opportunities, human rights, island communities, local government, sustainable development etc.

Equal opportunities

39. The OBFTC Bill Policy Memorandum stated that:

> "The Bill aims to benefit all the people of Scotland, building safer and stronger communities free from violence and the fear of violence. The measures set out in the Bill, along with the work of the Joint Action Group, are aimed at making a significant contribution to eradicating "sectarian" and other discriminatory behaviour, not just in Scottish football but in wider society. The Bill aims to strengthen protection against criminal acts carried out in the name of prejudice. Proper and effective use of the legislation will send a strong message that bigotry and prejudice have no place in a modern, diverse, multi-cultural Scotland."

40. While the 2012 Act may have been well intentioned, the Act's implementation has arguably resulted in a number of negative equalities impacts. By repealing the Act, it is hoped that the impact on some of the affected groups could be alleviated.

Section 1

41. It has been argued that section 1 of the Act is targeted specifically at a group (football fans) made up predominantly of men (and young men in particular), a concern consistently raised in a substantial number of responses to the consultation on the draft proposal for the Bill.

[5] http://news.gov.scot/news/hate-crime-legislation-review

42. This is borne out by the Scottish Government's own assessment[6], which notes that:

> "Of the 287 charges, 281 (98%) involved a male accused. Forty-six per cent of the charges involved an accused aged 20 or under, 29% noted an accused aged 21-30 and 25% were 31 or older."

43. In this way, the provisions of the Act may unfairly target a specific group who choose to attend a football match, while ignoring equivalent behaviour in other settings. There is an argument that repeal of this legislation would therefore address this inequality of treatment.

Section 6

44. Section 6 of the 2012 Act creates a new offence of making threatening communications. and refers specifically (in Condition B) to the incitement of religious hatred.

45. In response to the member's consultation some organisations pointed out that this section was flawed as it did not provide parity for all of the protected groups, only focussing on the offence of 'religious hatred'.

46. Many hate crimes are already reported under other offences within the "breach of the peace" category, including those identified within this consultation. These other offences will remain in place to ensure that justice can be delivered for protected communities following repeal.

Human rights

47. Arguments have been made that the 2012 Act is incompatible with the European Convention on Human Rights (ECHR). The Scotland Act 1998 requires legislation of the Scottish Parliament to be compatible with Convention rights. The section 1 offence has been viewed as restricting Article 10 rights to freedom of expression and creating legal uncertainty through the vagueness and subjectivity of key concepts it employs, such as "behaviour that a reasonable person would be likely to consider offensive".

48. In addition, concern remains about the implications of section 6 for ECHR rights under Article 9 (freedom of thought, conscience and religion)

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[6] Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 in 2015-16, Scottish Government, 10 June 2016.

and Article 10 (freedom of expression). The boundary between stirring up hatred on religious grounds (prohibited under section 6) and expressing "antipathy, dislike, ridicule, insult or abuse" towards religions or the practices of adherents of a religion (supposedly protected by section 7) seems very unclear and uncertain, making it difficult to distinguish between them (and hence to tell what constitutes an offence).

Island communities

49. The Bill should have no significant impact on island communities.

Local government

50. In the OBFTC Bill Policy Memorandum, the Scottish Government stated that:

> "We believe that these measures, as part of a wider package, will in the long term have a very positive impact for local government as we begin to see increased community cohesion and integration that avoids, for example, the need for community safety and criminal justice measures."

51. It is noteworthy that the increased community cohesion that the Scottish Government anticipated does not seem to have materialised.

52. The Policy Memorandum for the OBFTC Bill went on to state that:

> "In the shorter term, we recognise that courts may use community sentences such as community payback orders in dealing with those committing offences under the provisions of the Bill. Local authorities will have responsibility for implementing such sentences as part of their wider responsibility for criminal justice social work."

53. However, evidence since the Act came into force is that the use of community penalties has in fact increased. Sixteen such penalties were imposed in 2015-16, the highest figure yet (compared with 11 in 2012-13 and five in each of 2013-14 and 2014-15).[7] Of course, it cannot be assumed that repeal of the Act will reverse this trend, since it will remain possible for community penalties to be imposed (in respect of offences

[7] Source: Charges reported under the Offensive Behaviour at Football and Threatening Communications Act 2012 in 2015-16 (Table 15).

under other legislation or at common law) for misbehaviour at football matches.

Sustainable development

54. There are various principles in the UK Shared Framework for Sustainable Development adopted by the Scottish Government in 2005 which are of relevance to repeal of the 2012 Act, primarily "Ensuring a Strong, Healthy and Just Society – meeting the diverse needs of all people in existing and future communities, promoting well-being, social cohesion and creating equal opportunity for all".

55. The Bill aims to develop social harmony by reducing discrimination against football fans. The Bill may also reduce the fear for some people of attending football matches, which, in turn, might encourage increased social interaction, a sense of belonging, and participation in the community. Some supporters currently feel that the policing of football matches is disproportionate (e.g. through the use of "kettling"), and invasive of privacy (e.g. through the routine filming of fans) – some respondents to the member's consultation indicated that they were reluctant to take their children/grandchildren to football matches because of this.

Transitional arrangements

Effect on prosecutions

56. Consideration has been given to how the Bill should deal with people charged under the 2012 Act but not yet prosecuted, or whose cases have not yet been concluded, when the repeal of the 2012 Act takes effect.

57. The member's priority is to bring to an end what he regards as the injustices of the 2012 Act as quickly as possible. On that basis, the starting point has been that there should be no further convictions for section 1 or section 6 offences from the date on which the repeal of those offences takes effect. The effect should be that no further prosecutions would be brought, and that ongoing prosecutions would be abandoned, at least insofar as they relate to offences under the 2012 Act. However, a person may be charged with a number of offences arising out of the same incident, and even once a conviction is no longer possible for offences under the 2012 Act, a prosecution may still be relevant in respect of other offences charged (i.e. not those under the 2012 Act).

58. The member was also concerned to ensure that appeal rights were unaffected by the repeal. As a result, people convicted (prior to repeal) will still be able to bring an appeal (subject to the same criteria that currently apply) post-repeal, including an appeal against sentence or against conviction (or both). On the same basis, the Crown will retain its right to appeal, including against acquittal. In this way, the Bill upholds the principle of parity in the criminal justice system.

59. Accordingly, the Bill allows for the possibility that a person may still be convicted, post-repeal, under the 2012 Act in very limited circumstances – for example, where the person was previously acquitted by a court but where the Crown subsequently appeals that verdict successfully. However, the Bill's prohibition on further convictions post-repeal will apply to any new prosecution brought (following an appeal) under section 119 or section 185 of the Criminal Procedure (Scotland) Act 1995.

Effect on fixed penalty notices

60. As well as criminal prosecutions, the 2012 Act allows section 1 offences to be dealt with by means of fixed penalty notices (issued under the Antisocial Behaviour etc. (Scotland) Act 2004). A person issued such a notice by a police officer has the option of paying a penalty (currently £40) as an alternative to facing prosecution, but may also opt to be tried for the offence instead. If the person does neither of those things within 28 days, he or she becomes liable to pay a higher amount (currently £60).

61. The repeal of the 2012 Act, by removing the offences themselves, ends (on the same date that the repeal of the 2012 Act comes into force) the right to issue fixed penalty notices for such offences. As a consequence, section 4 of the Bill repeals the entry in section 128 of the 2004 Act that refers to section 1 offences.

62. If there were a cohort of people issued fixed penalty notices only shortly before the date on which the section 1 offence itself was repealed, some people in that cohort would no doubt opt for trial simply on the basis that there was no realistic possibility of such a trial taking place (because, by the time it could begin, the possibility of it ending in conviction would have been removed – so the Crown would in practice be obliged to abandon the proceedings). Others, perhaps unaware of these circumstances, might pay the £40 (or become liable for the £60).

63. The only sure way to avoid these differential outcomes would involve keeping open for a significant (and uncertain) further period the possibility of convictions (at first instance) for people considered to have committed section 1 offences shortly before the "relevant date" (i.e. the date on which the section 1 offence is repealed) and issued with fixed penalty notices – to ensure that anyone in that category who opted for trial within the 28-day period would do so knowing that the final outcome could still be a criminal conviction at the conclusion of such a trial. (Without this continuing possibility, the fixed penalty regime would be distorted and undermined.) However, the member regards such an approach as fundamentally incompatible with his starting point of minimising the scope for further convictions from the date the Act is repealed.

64. In practice, the member believes that the process of Parliamentary consideration of the Bill will give the police and COPFS a period of advance notice during which they will be able to prepare administratively for the implications of repeal. This is likely to mean that, in practice, the police will cease issuing fixed penalty notices at least from the point the Bill is passed (i.e. when the final shape of the legislation has been decided). As a result, no person to whom such a notice had been issued would still be within the 28-day period by the relevant date (since Royal Assent is never normally given less than 4 weeks after a Bill is passed). Similarly, it would be an administrative matter for the courts to decide how to deal with enforcement of notices issued in the final weeks of the fixed penalty regime.

65. Other options were also discounted. For example, it would, arguably, be unfair (as well as being costly and inefficient) to discontinue the fixed penalty option (for dealing with behaviour at the lower end of the scale) in advance of the alternative (criminal prosecution), as this could result in some people being prosecuted who otherwise would not have been. For this reason, the member has concluded that the best option is also the simplest – to bring to an end the fixed penalty regime, the possibility of prosecution and the offence itself all on the same day.

Commencement

66. The member is keen for the 2012 Act to be repealed at the earliest opportunity. Accordingly, the Bill provides for repeal of the 2012 Act to come into force on the day after Royal Assent.

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