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The SNP must u-turn on its “damaging and inept” hate crimes bill following a blistering attack by legal experts, according to the Scottish Conservatives.

Shadow justice secretary Liam Kerr made the call after the Faculty of Advocates published its response to Humza Yousaf’s controversial draft Bill, which ended its consultation phase on July 24.

The professional body warned there is “no alternative but to reconsider” the Bill and warned it will trigger a “large number of prosecutions” with “no likelihood of being enforced” if the legal system was not prepared for it.

It goes on to say the bill’s broad scope could cause “unfounded complaints” leading to the “invasion of privacy and domestic life” and the seizure of telephones and computers.

The faculty commented that social media posts would fall foul of proposals as they stand on a “daily basis”.

It joins the Scottish Police Federation, Catholic Church in Scotland and the Law Society of Scotland in raising concerns about the SNP’s legislation.

## **Scottish Conservative shadow justice secretary Liam Kerr said:**

“Ever since the beleaguered justice secretary cobbled together this ill-fated draft Bill, groups from every area of Scotland’s public life have warned that it is damaging and inept.

“The very principles of free speech itself are under threat.

“Genuine hate crime should be punished but this law goes too far.

“The fundamental flaws in the drafting, which seem to have been missed by Humza Yousaf, have been highlighted time and again by voices from across the political spectrum.

“These warnings from the faculty are another major setback for an ill-conceived piece of legislation.

"There is still time for the SNP to withdraw it and for Humza Yousaf to rethink the execution of his bill."

The full response is found here:

<http://www.advocates.org.uk/media/3414/hate-crime-and-public-order-bill-final-faculty-response-4-august-2020.pdf>

Key quotes from the response include:

**'potentially criminalise a number of social media postings made on a daily basis'** Page 4.

'If it is anticipated that criminal proceedings will be raised in such cases, then **a large number of prosecutions could result**. If this is not anticipated, the Faculty **would question the rationale for legislation** which has no likelihood of being rigorously enforced.'

**'extensive disruption to life and livelihood, and to the legitimate operations of businesses and institutions'** could be caused by malicious complaint. Page 18

And follows that there is a scope for unfounded complaints to cause:

**'invasion of privacy and domestic life, the seizure of telephones and computers, and the prolongation of disruption caused to people, businesses and institutions'** Page 19.

It concludes that there is **'no alternative but to reconsider the draft bill'**.

'the Faculty **has significant reservations** about the proposed legislation... arising from the drafting of the Bill in terms of its breadth, and its **restrictive effects on freedom of expression'** Page 10.

'the terms of the proposed section 6 of the Bill risk augmenting the effect of factors active in society with the tendency to stifle or **suppress free and lively debate'** Page 19.

'concern that allegations that acts or words are expressions of 'hate... "shutdown", discussion of matters which are the subject of legitimate debate' 'these issues are not currently adequately reflected in the Bill'. Page 19.