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12 January 2022

Dear Lord Bassam & Lord Paddick,

POLICE, CRIME, SENTENCING AND COURTS BILL: FOOTBALL BANNING ORDERS

I am very grateful for the support which the Government amendments to extend the football banning order regime to those who commit online abuse associated with football received.

Lord Paddick, and a number of other peers, sought confirmation that those who commit homophobic abuse in connection with football will be covered. I can confirm that the extended regime covers a wide range of offences, including the communications offences under section 127(1) of the Communications Act 2003 and section 1 of the Malicious Communications Act 1988 where sentencing has been enhanced on conviction under section 63 and 66 of the Sentencing Act 2003 for hostility on the basis of race or religion, disability, sexual orientation or transgender identity, and when the offence is football-related (i.e. relates to a football match, prescribed organisation or prescribed person). It also includes the stirring up offences under Part 3 and/or 3A of the Public Order Act 1986, which apply to conduct intended, or likely, to stir up hatred based on race, religion and sexual orientation, where those offences are related to football. Homophobic abuse in connection with football is therefore covered. In the debate, I inadvertently suggested that misogynistic hate speech would also be covered (Official Report, 10 January 2022, col. 862). As Lord Paddick indicated, misogyny is not a hate crime but, as I have set out above, the five types of hate crime recognised in the Sentencing Code will be covered.

Lord Bassam suggested we might want to extend these amendments to cover other sports. To be very clear, online abuse against people involved in any sport already constitutes a criminal offence. For example, the perpetrator could be committing an offence under the Communications Act 2003 or Malicious Communications Act 1988, and, where prosecuted and convicted, an enhanced sentence could be applied under the Sentencing Code where the offence was motivated by hostility on the grounds of a protected characteristic as outlined above. However, we do not have a banning order regime in any sport other than football because, thankfully, the level of disorder in sports other than football has not warranted it. The Government does not

believe that there is current justification for introducing a banning order regime for other sports – though we do, of course, keep the position under review – and therefore it would not be possible to extend these amendments to sports beyond football.

I am copying this letter to Lord Pannick and Lord Sentamu who also participated in the debate. I am also placing a copy in the library of the House.

A handwritten signature in dark ink, appearing to read 'Sharpe', with a stylized flourish at the end.

LORD SHARPE OF EPSOM OBE

The Lord Bassam of Brighton and the Lord Paddick
House of Lords