

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from the Scottish Episcopal Church

On behalf of the Church in Society Committee of the General Synod of the Scottish Episcopal Church, I am pleased to offer comment in response to the invitation for submissions on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill.

We wish to commend the Scottish Government for the intentions which lie behind the Bill. Recent expressions of sectarian behaviour in Scotland, particularly in the context of football matches, have been shocking and are unworthy of the tolerant and open society which Scotland aspires to be.

We recognise that there is a responsibility on any Government to act so as to preserve peace and order. However, we have the following particular concerns:-

1. The proposed legislation is subject to a 'fast track' procedure. Whilst we understand the desire to have the new legislation in place before the commencement of the forthcoming football season, it is often the case that rushed legislation turns out not to be good legislation. The policy memorandum which accompanied the publication of the Bill refers to the establishment of a Joint Action Group which is already considering a range of measures to tackle violence, bigotry and alcohol misuse associated with football. We query whether it is advisable to fast track legislation before the Joint Action Group has completed its work and reported to Scottish Ministers.

It is essential that any new legislation must be effective. We are aware that it may be difficult to secure convictions under this kind of legislation (for example under the Incitement to Hatred legislation which was introduced in Northern Ireland, it proved very difficult to secure convictions). Such considerations argue in favour of a more measured approach to the timescale for introducing new legislation.

2. The proposed legislation addresses symptom rather than cause. However distasteful expressions of sectarian speech and behaviour may be, they are simply the outward signs of a deeper and systemic malaise which afflicts our society. Whilst churches and faith groups need to be particularly sensitive to the religious dimension which is a core element of sectarianism, there are also many other historic patterns and traditions which are part of it. Consequently, we hope that the Scottish Government will establish a broad-based process to enable our society to come to a deeper understanding of the distasteful phenomenon which sectarianism represents so that together we can begin to address its roots.

John F Stuart
Secretary General
23 June 2011

PS Since the above submission was prepared we are pleased to note that the Scottish Government has indicated that it no longer proposes the fast track procedure for the introduction of the new legislation.