

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Dr John M. Hannah

I am writing to respond to the consultation on the above proposed Bill.

I welcome the intention behind this proposed legislation and strongly agree that sectarian and offensive chanting and threatening behaviour have long been a blight on Scottish football and wider aspects of our society.

In relation to the specific proposals in the Bill, I feel that the proposed offence of Offensive Behaviour related to football which is likely to cause public disorder, appears to be fairly well defined. Importantly, it also seems likely to be capable of being implemented in a manner which will not affect freedom of speech. However, it will be important that the actual enforcement by the police and the courts is such that personal and religious freedom are not further eroded.

While, I support the intentions of the Scottish Government in relation to the proposed offence of Threatening Communications, I do not feel that the implementation of this section of the Bill is likely to be quite so satisfactory. In the attempt to address what is a very complex and difficult problem, in view of the wide forms of communication available today, the wording of the Bill appears to be worrying vague.

I warmly welcome the published assurances that the Bill is not intended to, "*Stop peaceful preaching or proselytising. Restrict freedom of speech including the right to criticise or comment on religion or non-religious beliefs, even in harsh terms.*". However, the currently proposed wording, for example, in relation to the term, "reasonable person" (Section 5, 3b) is dangerously imprecise and obviously subject to widely varying interpretation.

In conclusion, I am seriously concerned that the "Threatening Communication" section of this very well intentioned legislation, if implemented in its present form, will do little to solve the deep seated problem of football tribalism but may lead to heavy handed policing or litigation by individuals who will wish to use it against legitimate expression of religious or moral views.

Dr John M Hannah
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