

Justice Committee

Offensive Behaviour at Football and Threatening Communication (Scotland) Bill

Written submission from the Scottish Football Association

It has been said that a nation's football character is determined by the nation's society and its behaviours. It is perhaps a truism that the character of our game, on occasions, reflects many of Scotland's problems.

Whilst not related to the subject matter, it is perhaps relevant to draw a comparison between the dwindling number of talented sportsmen and women that this nation has produced in the last decade against the trends pointing to increasing obesity in the Scottish youth of today and the health legacies that, if allowed to pass unchecked, will be awaiting future Governments.

In all modern societies there has been an enormous growth in methods of electronic communication and their technologies in the last two decades. This has changed the Scottish nation's daily habits with the advent of a reliance on internet, e-mail and social networking sites by a huge number of the population.

We agree that with the pace of growth in such methods of communication and the related technologies there requires to be proper, appropriate and wisely constructed Laws designed to ensure that people behave in an acceptable manner and treat others in a civilized and dignified way. Our experiences within football in recent times have demonstrated that the cloak of perceived anonymity that individuals and groups believe exists by communicating via internet, social networking and telecommunications technologies should be regulated in a way that these individuals and groups become accountable to the Courts for their words and actions. It is unacceptable for hatred against opposition teams, coaches, players or fans to be stirred up by an e-mail, text or website posting from someone with an anonymous account name. Moreso, when that hatred is based upon religious, ethnic or sexual prejudices. Legislation must be introduced to regulate such behaviours and allow the individual to be traced, dealt with by the Courts, and the practice stopped from being brought into our football grounds. Through the medium of television and its transmission of a number of our flagship games worldwide, the behavior of the minority cannot be allowed to tarnish the image of our game, and our nation, across the world. Although such occurrences tend to be infrequent, even one occurrence is once too often.

Someone misbehaving in a football ground, whether in breach of the Criminal Consolidation Act, the Ground Rules or generally, just misbehaving is subject to Laws and should understand that they will be punished appropriately, in a manner proportional to the offence committed. That is the basis of Law. The introduction of the Football Banning Order legislation in Scotland in 2006 has been an additional tool in the toolkit to punish those who have misbehaved at Scottish football. The Courts are now more familiar with their effect and, we believe, that it will be even more effective if used

alongside the proposed legislation allowing that the offence can be identified as being football motivated or football related.

However, a balanced and wise approach requires to be adopted by Government in its consideration of the Offensive Behaviour at Football and Threatening Communication (Scotland) Bill to ensure an appropriate, reasonable and effective response is delivered. Through the measures being recommended by the Joint Action Group we believe that a sense of proportionality, appropriate to football's issues compared with those ills of Scottish society, is being delivered. It is for the Government, in particular, to ensure that that same sense of proportionality is adopted in its consideration and delivery of the Offensive Behaviour at Football and Threatening Communication (Scotland) Bill.

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