Justice Committee

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill

Written submission from Sean McHugh

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

Yes, Having been subjected to and saw in practice this heinous act and the damaging effects it can have on the lives of all ordinary working class football fans this act needs to be repealed.

2. Did you support the original legislation?

No, I have never supported the Act since its inception.

3. Do you consider that other existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football which leads to public disorder? If so, could you specify the criminal law provisions? Or does repeal of section 1 risk creating a gap in the criminal law?

Yes, The existing law provisions that were in place such as Common law breach of the peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of Criminal Justice Act and Licensing (Scotland) Act 2010 would be more than sufficient to prevent any public disorder at a football match, the like of which is incredibly rare in any sporting event in Scotland and shouldn't be contained to one part of society.

4. Do you have a view on the focus of section 1 of the 2012 Act, which criminalises behaviour surrounding watching, attending or travelling to or from football matches, which may not be criminalised in other settings?

Why do the authorities and the Scottish Government see it as a requirement to demean and criminalise one section of society this to my knowledge does not exist in any other walk of life, Football fans should not be demonised for being simply that.

5. Do you consider that other existing provisions of criminal law are sufficient to prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred? If so, could you specify the criminal law provisions? Or does repeal of section 6 risk creating a gap in the criminal law?

Existing laws that are in place for such things like assaults, threats, Breach of the Peace have been in place for centuries and are adequately used in everyday life. Why are these laws considered to more serious outwith of a football stadium and as such the authorities somehow see it as a requirement to have an Act in place
to demonise football fans? These aforementioned laws are adequately placed to be used in all walks of life and shouldn’t be removed from prosecuting football fans should they require to be used.

6. Do you have a view on the proposed transitional arrangements in the Bill: that there should be no further convictions for section 1 and 6 offences from the date on which the repeal of those offences takes effect; and that the police will cease issuing fixed penalty notices at least from the point at which the Bill is passed?

My view is that the Act should be repealed with immediate effect and that any pending charges/trials be dropped and that no more of the taxpayers’ money and time is wasted with this ridiculous act.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

It has done nothing to tackle the sectarianism and I don’t believe that the existing provisions that it was set up to do have been adhered to and that the existing legislation that was in place can tackle sectarianism is a far greater way along with education being completed in a better more formal manner in schools.

Whilst I believe that sectarianism is a stain on our society and should be eradicated, having the Act in place has done nothing but encourage sectarianism to become more prominent.

Sean McHugh
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