Justice Committee

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

Written submission from Anonymous 11

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

I do agree with the proposal because, in my opinion, the 2012 Act is openly discriminating against a specific group of people in society and brandishing them criminals for 'offences' that are no problem elsewhere. It was knee-jerk reaction to create this act and its draconian traits are both disgraceful and wrong.

This Act has given the police free reign to harass, bully and intimidate football fans for doing things that are not a crime anywhere else. I have seen with my own two eyes the aggressiveness of the police and their attempts to intimidate and bully.

2. Did you support the original legislation?

No.

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 I do. Common Law: Breach of the Peace is a widely scoped legislation that covers issues across the board and football falls within that. Football fans are no different to any other groups of society such as concert goers, those who go to nightclubs/pubs, etc. Therefore this legislation widely covers any offences that may be carried out in a football ground or within the vicinity of one. Why a specific Act has to be implemented is both puzzling and wasteful.

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?

I believe that this section of the Act is absolutely ludicrous. Again I go back to my point about specifically targeting football fans. Football fans should not be the subject of specific legislations for doing things that fans of other sports do. There is absolutely no difference between football fans travelling to and watching their football than rugby fans doing the same thing. It is disgraceful.

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?
I do consider that other provisions of criminal law are sufficient because since the Act was implemented, both the police and the prosecutors have regularly used other pieces of legislation such as the Communications Act 2003. This section of the act has barely been utilised because there is existing legislations that cover this which underlines how pointless and disgraceful the Act is.

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?

I believe that the Act should be ceased to be used specifically against football fans immediately. Any ongoing cases that have not found a conclusion should be dropped and that any convictions made under this Act should be scrapped if it was possible because this law that only targets football fans should never have been implemented at all.

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

I believe that this Act has done nothing to tackle sectarianism. All it has done is criminalised football fans for being football fans. There are laws that cover the crimes that are related to sectarianism therefore why this Act was passed and focussed partially on this aspect is puzzling. The issue of sectarianism has been part of our society for decades and no other laws have eradicated it therefore this Act was never going to actively tackle it and this has been proven over the years.

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