Justice Committee

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

Written submission from Anonymous 13

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 fully support the proposal to repeal this bill. This bill is not fit for purpose and I cannot believe it has taken this long to get the correct political backing. You only need to look into the facts & figures of those prosecuted to understand the reasons for the repeal of this bill.

2. Did you support the original legislation?

No, I did not. This bill has never had the support from football fans across the country, the ones in whom it affects directly.

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 fully believe that there was no need for this legislation to be put in place as there was sufficient laws in place already in order to tackle 'offensive' behaviour at a football game. Such laws such as the common law breach of the peace which can be used by law enforcement, if appropriate to do so. Adding this act has created more problems to existing laws than it has benefited them.

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?

In my opinion, football fans are treated different from every other sporting support in the country. We are not even allowed to enjoy a beer in the concourse of a stadium as it is deemed like we cannot be trusted when in England, rugby events etc where crowd trouble also exists, it is not an issue. To say you can be jailed for singing a certain song inside a stadium but you can download it from the iTunes Charts and listen freely and legally is completely contradictory and ludicrous. Essentially stating that the law can differ depending on whether or not you are travelling to or attending a football match. Madness.

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?
Section 6 of this act has not been properly used throughout the whole timespan of this act’s existence. As stated above, there is sufficient laws in place in order to tackle these issues that exist. When being prosecuted, those in question are more often than not held under the Communications Act 2003. This clearly shows that even if section 6 is repealed there would be no gaps in laws regarding ‘offensive’ behaviour or that which invites hatred.

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 stopped immediately and should be dropped as soon as possible. People's lives are being ruined by this act by every passing game for crimes which they are then subsequently found not guilty of. The sooner that it is scrapped the better.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism? Give a brief indication of your view on this.

I do not feel in any way that this act has put any stop to the sectarian problems in Scotland and in particular the west of Scotland. The act has without doubt caused more issues than it has solved and created more divisions more so of that between Police Scotland and football fans.

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