Justice Committee

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

Written submission from Anonymous

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. The act does nothing to help address the problems we have with sectarianism or bigotry. How someone who isn’t even at the same football match could potentially be offended by something someone says or does is hard to get your head around. The same thing which is said or done in another setting within society is also not deemed criminal? It does nothing but create hypocrisy in law.

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. The Breach of The Peace act is robust and covers actual crimes such as racism and sectarianism. Since when was society concerned about persons being offended? Every single day we are bombarded with messages, words and images in mainstream media which could potentially offend someone. Should we create a law to criminalise advertisers who think a risqué image of an attractive woman will sell their product? No. Will that image offend some sections of society? Absolutely. Yet every street in the country has at one point had a billboard or poster of something of that ilk.

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?

It is an assassination of every single football fan in the country to apply separate laws to them whilst they watch their team. It’s criminal itself to target portions of our population because of the sport they choose to follow. Quite frankly, many things sung about or projected in the world of sport aren’t going to sit well with everyone but dragging fans through a court of law, disrupting their lives at home, at work and ruining their relationships with loved ones in turn is absolutely not the way to address the perceived crime of potentially offending someone!

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 has hardly been used in the whole period since it was enacted whilst the other sections have been.

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?

All pending cases should be dropped immediately and I would urge the wiping of previous convictions too, under this rushed, badly written act.

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

There are already ways to criminalise the perpetrators of sectarian behaviour. Unfortunately the word sectarianism is constantly used to brandish football fans as villains whilst the government aren’t actually serious about fighting it. We need to destroy institutional sectarianism and this act certainly isn’t constructive in doing so and it is insulting to claim otherwise.

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