Justice Committee

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

Written submission from Anonymous 2

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. What one may find offence, another may not. Therefore the idea is ridiculous, and unfair in its inconsistency. Police officers are ultimately given the power to go out of their way to pick and choose individuals that they feel like harassing; over something as insignificant as a song which may or may not offend another. It completely contradicts having the right to freedom of speech.

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?

Existing provisions of criminal law are absolutely enough considering the fact they are sufficient enough in all other relevant contexts - such as rugby. There should never have been such an Act introduced that had an impact on only football fans. Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003 and Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 are examples of relevant legislation that should be used without the need for the Act in question.

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?

As previously stated, I do not believe that any law should aim to solely prosecute football fans.

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 legislation already outlaws hateful behaviour. These laws include football fans. So the need for another law which relates only to football fans is discriminating and wrong.
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?

A law that only applies to football fans should never have been enacted in the first and so if should be abolished immediately.

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

In my opinion the Act has only aggravated the situation further. Witnessing young fans being punished for a song that the majority would consider harmless, due to a small minority “feeling offended” only frustrates fans from any side even further. What's worse is when the police are given power to control a person's freedom of speech, they are ultimately inconsistent in their approach due to their own individual morals and agendas. If these officers were not pressing and harassing innocent fans during matches, there would be less frustration and resentment making all.

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