Justice Committee

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

Written submission from Anonymous 20

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I feel it is essential that this Act is repealed. The Act has many flaws, is discriminatory towards football fans and has been strongly opposed by all parties out with the SNP.

2. Did you support the original legislation?

No, from its introduction I have felt that this legislation is unfair and dangerous.

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?

I feel there was already legislation in place which was able to cover criminal offences at football matches. Examples of such legislation range from Breach of the peace to Section 74 of the Criminal Justice (Scotland) Act 2003 and Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. These laws were sufficient and remain sufficient.

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 feel that having laws specifically for fans of football is ridiculous, unfair and discriminatory. The fact the acts which take place at and travelling to football matches can be deemed criminal due to their association with football, yet these same acts would be acceptable at other sporting events is a disgrace in my opinion.

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 the act has rarely been used as prior legislation is more commonly used by prosecutors such as the communications act 2003.

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?

The Act should cease to be implemented with immediate effect. Also all existing cases which have not yet been concluded should be dropped and any previous conviction under the legislation should be removed. The law has been grossly unfair and discriminatory from its introduction. Once it has been repealed there should be an admittance and acceptance that many people had been wrongly criminalised as a result and action should be taken to right these wrongs.

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

Personally I feel that this act has done anything to tackle sectarianism, I feel it has done more to mislead people and authorities to think that ‘offensive’ behaviour is sectarian. I strongly oppose criminalising individuals on behaviour deemed ‘offensive’ is in any way, shape or form is tackling sectarianism. For me more needs done at an early age be it in schools, sports clubs or in households to teach and educate in what sectarianism actually is and not place it under the umbrella of the word offensive.

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