Justice Committee

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

Written submission from Anonymous 25

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.

I don’t think it is right that football fans or anyone should be subjected to laws that are deemed to be offensive when there was existing legislation in place that was rarely used to tackle sectarianism.

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, there is already legislation that can be used, breach of the peace, section 38 of the criminal justice and licensing act (Scotland) act 2010, section 74 of the criminal justice(Scotland)act 2003. I feel that there is already enough legislation to tackle any football related problems.

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 think it is shocking that football fans are subjected to laws that only apply to them going to watch a game and the way that Police Scotland have been using the act has cost the taxpayers thousands of pounds on cases that have been a waste of time and resources.

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?

The police very rarely use section 6 often preferring to use legislation like 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The act should stop with immediate effect if repealed and all existing cases should be dropped, I also think that all this that have been convicted of this act should have their convictions quashed as this law that only applies to football fans should never have been passed.

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

None really, I think if the parliament is serious about tackling sectarianism it needs to look at wider society and the way it conducts itself instead of blaming it on football fans.

18 August 2017