Justice Committee

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

Written submission from Anonymous 28

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 believe the Act has been a failure and has indeed made relations between the average football fan and the police almost unbearable. It’s an act that turns innocent lives upside down regardless of a successful conviction or not. An act where normal law abiding football fans are discriminated against and specifically targeted and arrested for things inside a football stadium or travelling to watch a football match that they wouldn't be anywhere else, including other sporting events.

2. Did you support the original legislation?

No, it was rushed, ill thought out and reactionary piece of legislation rushed through at a time where football fans behaviour was in the media spotlight. It was a reaction to be seen to be doing something that was never given the consultation, or time frame it should have been.

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 believe the act is unnecessary in light of existing legislation and existing legislation such as common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003 and Communications Act, 2003 are sufficient to prosecute behaviour at football matches, the same way it is in concerts, other sporting events, or nightclubs and pubs.

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 believe section 1 is discriminatory and unfairly targets football fans for behaviour that wouldn't be criminalised in other settings such as rugby matches or concerts. That is wrong and creates division and mistrust as well as a feeling of persecution. It is unjust that police are being ordered to pursue situations in the context of football matches very differently from how they would deal with the same situation in any other context.

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?

A repeal of section 6 wouldn't risk creating a gap in the criminal law because section 6 has hardly been used in many instances since its introduction anyway. Quite often the police use other existing legislation such as the 2003 Communications Act.

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?

This Act should never have been enacted in the first place and should cease to be used against fans with immediate effect. Current ongoing cases should be dropped and a line in the sand drawn under one of the poorest pieces of legislation ever passed in this country.

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

I think the 2012 Act has failed to tackle sectarianism in any meaningful way. There was already existing legislation that covered sectarianism around football. Instead this act has seen people targeted for singing songs about a rival team, or traditional football banter as opposed to any real headway targeting proper problems such as sectarianism. That is something that goes a lot deeper than football matches and therefore requires a law that goes deeper than just football matches.

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