Justice Committee

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

Written submission from Anonymous 29

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 agree with the proposal to repeal the 2012 Act. My reason for this is that I fully disagree that a law can only be applied to one section of society i.e. football fans in this case. I believe this to be against basic democracy.

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 I believe that existing laws that are in place are sufficient enough to prosecute behaviour at football. Most offensive behaviour at football would come under a common breach of the peace. But there are also other laws which tackle discriminatory behaviour such as racism, sectarianism and homophobia.

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 stated in the first question I am fully against laws which only apply to one section of society. In theory one person could attend a football match and be arrested under the act for example for shouting something offensive. Someone attending a rugby match could shout the exact same thing and not face charges. This is wrong on so many levels.

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?

Yes, since the Act was introduced, police and prosecutors regularly use other legislation in relation to this, e.g 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?

My view is that the Act should be stopped with immediate effect meaning cases that have not been concluded should be dropped.

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

I do not think the 2012 Act has assisted tackling sectarianism in any way.

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