Justice Committee

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

Written submission from Anonymous 30

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 feel the legislation was rushed though and not fit for purpose.

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, legislation is already eg common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010; I think these laws are more than enough to regulate and govern those attending football matches.

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?

In my opinion fans should not be criminalises for simply being fans, existing laws e.g. Breach of the peace would suffice.

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?

I would argue that the Section 6 has hardly been used in the whole period since it was enacted and that police and prosecutors regularly use other legislation eg Communications Act, 2003 in order to prosecute. For me this shows the lack of faith the police have in the legislation.

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?

With immediate effect. My opinion would be any charges faced under the act should be dropped against those facing them, I would also argue anyone who has faced previous charges under the act should have those revoked. My reason for this is ultimately these charges would not have come around if the act was not in place for what was only football fans, adding to that if deemed to not be fit for purpose previous convictions should be deemed unfitting.

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

The legislation has done nothing to tackle sectarianism in Scotland. Instead it deters innocent fans from attending football matches fearing that they are unfairly targeted by police. Mothers fearing for their sons and daughters, families work life all affected for simply attending a football match.

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