Justice Committee

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

Written submission from Anonymous

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, having attended football long before the act and since it was introduced I believe it has done nothing other than single out football fans from others in society which has resulted in worsening relationships between football fans and police.

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?

Other laws have existed long before the act and were used by police. From breach of the peace to more harsher criminal laws covered any misbehaviour in football grounds. I believe legislation is in place to deal with any goings on at football and the OBFA does not need to exist for this.

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?

It does not seem right to me or anyone I have discussed this act with in detail that this law solely exists for football fans. Could you imagine if a law only existed for rugby fans, concert goers, shoppers, etc. They examples sound bizarre but that is exactly what football fans are dealing with in regards to the OBFA.

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?

It is my understanding that the section 6 has rarely been used since introduction and that police prosecutors often use other 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?
The act should no longer be used with immediate effect. Cases that are ongoing should be dropped and previous convictions should be cleared from people’s records. People who have fond no wrong but been caught up in this ridiculous bill.

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

I can see no evidence that this bill has tackled sectarianism in Scotland. If tackling sectarianism is a goal then there are other ways to go around that. This bill is not the answer and does nothing more than put fear into many football supporters. I would love nothing more than Scotland to be free from sectarianism but this law does not help at all and has put the country on hold or backwards on this from since 2012.

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