Justice Committee

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

Written submission from Anonymous 36

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.

It is evident that this act has not achieved any of the goals it was initially created for, and from the get go it was clear that it was created in a knee jerk fashion and rushed through the parliament without proper consultation on the issues it was intended to address.

It has created an atmosphere of distrust and fear, it has been unsuccessful in tackling sectarianism and offensive behaviour and has led to a complete break-down in trust between football fans and the government and police. Its continuation will be only serve to deteriorate this already strained relationship.

It has targeted one group in society, namely football fans, for a problem that exists and originates outwith the football stadium in society at a whole. To even think that sectarianism is a "90 minute problem" that can be solved by a loosely defined Act which leaves its enforcement up to the personal whims of the police shows a lack of understanding of the problem.

Its openness to interpretation by individuals and its subjective nature make it a loose cannon to round up people that may be doing something to the disliking of one individual, in some cases it's just the perceived intent of offending without any complaint that is enough. This cannot be taken seriously as the foundation of legislation.

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 think that there is existing legislation sufficient enough to deal with disorderly behaviour at football grounds.

Football banning orders and general breach of the peace can be utilised to deal with incidents, other more serious incidents involving racism or religious abuse should be dealt with using the same procedure as if they were not in a football setting. Racism at a football ground is no different from racism on the street.
Overall, there should not be legislation specific to football fans. Crimes that are committed within a stadium should be treated like any other, existing laws are sufficient to deal with these.

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?**

There should not be laws that single out football fans that are not applicable to anyone else.

Singling out a group in society for special treatment is worrying in any case, it is a ridiculous notion to suggest that people who follow one particular sport should be given special attention with laws that do not apply elsewhere.

It highlights the stupidity of the creators of this legislation, and emphasises the ignorance of the SNP to think that sectarianism stems from a football setting. Elected politicians should be knowledgeable enough to understand the wider and far reaching cause and effects of sectarianism in Scotland.

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?**

Section 6 of the Act is rarely used, as has been mention previously there is already sufficient legislation available to deal with these incidents. The police already adopt the Communications Act 2003 for this, rendering this piece of legislation useless.

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 law should never have been enacted in the first place, it was rushed, not thought out and it has had negative consequences on people’s lives and employment who have fallen foul of it.

The law should cease to be used with immediate effect, those who have convictions because of it should have these removed from their records, and pending court cases dropped.

7. **To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?**
I fail to see any assistance that this Act has given in tackling sectarianism. In fact I would say that this Act has actually inflamed sectarian divisions by dealing with it in the wrong way.

From its inception to the current day, the Act has been all over the place and even slated by judges and lawyers alike. After the initial talk of tackling sectarianism and failing, the narrative was moved to "offensive" behaviour to bring some lifeblood to the directionless law - this again demonstrates lack of knowledge of the issues by the creators of this legislation and defenders of it today.

SNP arrogance and refusal to concede that the law has not worked is telling. Its defence at all costs and denial of the flaws of the Act demonstrate that the government does not seriously understand sectarianism. In fact it has become a party political issue. This is a worrying state of affairs for the Government of Scotland.

Sectarianism in Scotland is eroding, this is beneficial to us all, and this Act has done this process no favours. It has brought back emphasis into an old problem which has caused a reaction and opened old wounds, it has brought it to the attention of the youth who otherwise may not have adopted sectarian attitudes.

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