Justice Committee

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

Written submission from Anonymous 38

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 support the bill to repeal the 2012 Act. I believe the Act is an attack on civil liberties. The police have used the Act to harass and criminalise football supporters. The term ‘offensive behaviour’ is wide spread and the law has to be more specific as to what is offensive and what is not. There are already laws which criminalise racist, sectarian, homophobic behaviour. There are examples every week of football supporters being harassed by the Police, whether that’s filming the crowd when no offence is being committed, or intimidating fans who only wish to support their football team. As a football fan I feel I can’t enjoy going to matches because of the constant filming from police when nothing is deemed to be offensive. I know people who have had issues with this Act and it has caused many personal issues. This also makes me feel threatened in case I could lose my job even though I haven’t committed a crime.

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 other existing laws are sufficient to prosecute offensive and illegal behaviour relation to football which leads to public disorder. Laws such as breach of the peace, section 74 of the Criminal Justice (Scotland) Act 2003, section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 provide enough threat that illegal and offensive behaviour relating to football games won’t be tolerated.

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 don’t think it is right to have a law to harass and criminalise a certain group of people who watch a certain sport where other fans of different sports get the same treatment. Being a football fan I feel as I can’t enjoy the game as I feel constantly harassed and feel worried about being filmed even though I am not involved in anything that is deemed to be offensive.
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?

The Police and prosecutors often use other legislation such as the Communications Act 2003 so I don’t think the repeal of section 6 which could cause a gap in the criminal law.

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?

I support the repeal of the 2012 Act and think that any previous convictions and ongoing cases should be quashed with immediate effect.

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

I feel the Act hasn't tackled the problem of sectarianism whatsoever. The Police enforcing the 2012 Act has made football fans of all ages think about staying away from Scottish football grounds. There is enough legislation to tackle sectarianism. The 2012 Act should be repealed as soon as possible with immediate effect.

18 August 2017