Justice Committee

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

Written submission from Anonymous 42

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 attend football matches home and away on a weekly basis with sole intention of vocally supporting my team. Since 2012, I now do so in genuine fear that I may somehow at some point be perceived as causing offence that will result in a criminal record.

I work in a corporate, client-facing environment whereby even a charge under this Act would, in all likelihood, mean I would lose my job and career as a result of the negative press this could bring upon company.

I have watched friends face full brunt of this; guys who are intelligent, hard-working young men with a great future in front of them turned into criminals due to a song sung at the football – songs that pre-2012 weren’t criminal. I fully understand criminal proceedings will take place for those who commit racist/sectarian/discriminatory offences in any environment – be that at workplace, social events or at the football. However, I have witnessed police action and subsequently lives turned upside for ‘crimes’ that if occurred anywhere else but a Scottish football stadium, would not result in any of the above. That alone makes this Act dangerous and discriminatory.

2. Did you support the original legislation?

No – it was clear to me the issues that would arise from this from the offset. It has panned out exactly that way.

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 – to my knowledge there is legislation in place to deal with all criminality that takes place in Scotland. It is a disgrace that there is a separate legislation focussing wholly on football supporters.

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 above, it is a stain on Scotland’s legal system that our Government have set out to criminalise a section of our society. There is something morally wrong about a situation arising at a football stadium resulting in police charges and court cases, that
wouldn’t be the case anywhere else in Scotland. I have yet to hear any justification for this that I can get on board with. I have family abroad who still can’t believe this to be the case.

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?

To my knowledge, an existing piece of legislation has been used anyway for such alleged crimes, with Section 6 largely ignored.

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?

Quite simply, any pending charges should be dropped immediately. Furthermore, any convictions should be quashed immediately.

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

The Act has achieved nothing in this regard. Those who partake in sectarian behaviour inside or outside football stadia were, and still could, face action as a result of existing legislation. The Government should look at positive ways to help influence and educate those who indulge in Sectarian behaviour as opposed to rushing through discriminatory laws and criminalising people simply don’t have to be criminalised. Surely money would be better spent in positive and engaging action as opposed to police operations and needless court cases?

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