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. The act is pointless and there’s already existing laws in place.

I also feel the act allows the police to intimidate and put football fans under threat.

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. Breach of the Peace, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. Section 74 of the Criminal Justice (Scotland) Act 2003 etc. These existing legislations are all sufficient to cover the issues at football.

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?

No. Laws should apply to everyone, singling out football fans is not acceptable.

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 has rarely been used in the whole period since the act was put in place. Police and Prosecutors tend to regularly use other legislation such as Communications Act, 2003.

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?
Immediate effect. Cases should not be concluded and should be dropped. Any previous convictions under the act should be quashed (I know this is not in the draft bill, but could be inserted by amendment. This is based on the fact that the law only applies to football fans and should never have been enacted in the first place.

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

I feel like the act has NOT assisted in tackling sectarianism. The sectarianism problem does not lie within football.

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