Justice Committee

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

Written submission from Anonymous 48

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 believe this law discriminates certain groups of people who would not be classified as criminals if it were not for the fact they are football fans. The act has also created a hostile atmosphere between fans and the authorities.

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 other existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football. Examples of this include Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.

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 find this an extremely discriminatory part of the Act and a breach of equal rights. Due to me being a football fan there is a law for people like myself but not for other people who don’t go to football. I find this treats me like a potential criminal yet never having any issues away from football.

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?

Yes I believe that other existing provisions of criminal law are sufficient. I am of the understanding that Section 6 of the act has rarely been used for inciting religious hatred, instead police and prosecutors often use other legislation, for example the 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?

I think this should happen with immediate effect and also for cases that are not
concluded to be dropped. Also, previous convictions should be quashed on the basis
that the Act has targeted a specific group of society, while they would not have faced
the any action for the same behaviour at events out with football.

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

I don’t believe the 2012 Act has tackled sectarianism in any way. Instead I think it
has targeted many forms of political expression and passed it off as sectarianism.
Sectarian behaviour in my view has not reduced since this act has been in place.

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