Justice Committee

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

Written submission from Anonymous 50

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 feel the act has ruined a lot of people’s lives by dragging them through the courts for actions that do not constitute a crime. The fact that people going to the football can be treated differently from those not attending is discriminatory.

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. Existing legislation that covers sectarian and racist behaviour was sufficient. Those acts already were and should be considered as a crime. For the Act’s lack of clarity, it leaves too much grey area and supporters are being criminalised for behaviour that is not being done with any malicious intent.

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?

The fact that a law can apply only to football supporters, yet someone attending, say, a rugby match, would not consider the same act an offence is a farce. It is discrimination against football supporters and has only helped paint them in a negative light and lower public perception of them when the general public see any media report of the victims of the Act.

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?

As far as I am aware Section 6 has rarely been used, and that any crime committed similar to this can already be tackled under existing legislation.

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 believe that the Act should be erased immediately, along with all evidence that it ever existed. This would include all existing cases being dropped and erased from any criminal records, and anyone who had been charged to also retrospectively have them removed from their criminal records. This Act has destroyed people's lives unfairly and unjustly.

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

It has offered nothing to the battle against sectarianism, because it was not designed to. There was existing legislation that could properly find people charged if they had committed a sectarian act. This Act was rushed through hastily for the wrong reasons and has offered nothing but an increased lack of trust between football fans and the police.

I would also like to add how the act had personally affected me over the last 5 years. It has turned attending football matches from the biggest joy in my life, to a nervous affair that leaves you questioning if it is all worth it. I have a good job with a well-paying salary, a mortgage, a steady partner. If I were to be charged under this Act it is not inconceivable that all of these could disappear from my life from the havoc that this Act brings. Countless trips to court that I have seen friends have to go through causes, at best, strain on your working relationships, and at worst, termination when they reach breaking point with the amount of absences you have, or the bad press that your name appearing in the paper will being the company. My partner gets stressed out regularly when she hears or sees footage of over-zealous police making their presence felt in situations that require nowhere near that level of policing or the intimidation that comes with it, as they regularly over step the mark in what their job should entail. This Act has created an us and them mentality between football fans and the police, and I have noticed the behaviour of the police get increasingly worse since the Act was brought in.

I urge all who have any sort of opinion or influence over this Act to repeal it, get rid of it, and start to rebuild the damage caused by it over the last few years.

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