Justice Committee

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

Written submission from Anonymous 59

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

I fully agree with the proposal to repeal the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. From the moment the idea of this bill being passed I have been apprehensive, concerned and disappointed that something that is quite clearly discriminatory at best, dangerous at worst.

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 truly believe the introduction of this law has affected people who go to football in a negative way, and in a way that was completely unnecessary and unjustified. I have been witness to more problems at football since this law has been implemented than before it was in place. I fully believe this is partly due to the pressure forced on the police to make this law work, and to create a false sense of success with regards to arrest figures. I believe existing laws such as common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 are sufficient to deal with any issues that arise at football games in Scotland. I have myself felt threatened and harassed since this law has been put in place, with no previous criminal record I have felt on several occasions that it is only a matter of time before this changes, solely down to the law. It very much puts me off going to football altogether.

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 do not believe that football fans should be viewed any differently with regards to the law to any other member of the public. I also do not believe that such poorly constructed legislation would be passed if it was to apply to the wider public, rather than just football fans. I believe that in this case football fans were an easy target. The Scottish public would not stand back and have their freedom of speech taken away from them if this was to be implemented in day to day life, it should not be any different just because you’re a football fan.
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?

I do not believe there is a risk of creating a gap in the criminal law due to the fact that the Section 6 has hardly been used during the entire period since it was enacted and that the police and prosecutors regularly use other legislation instead.

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 fully believe that this Act should cease to be used with immediate effect. An Act that is explicitly states that if you are deemed to be a football fan, whether you’re attending the game or watching it in your local pub then you are subject this law, restricting your rights. This is an oppressive, unnecessary and illiberal Act that should not exist, it should be scrapped with immediate effect.

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

I believe this Act has very much been a backwards step in tackling sectarianism in Scotland. Sectarianism is a serious issue, and not one that should be used as a pawn in order to force through laws for other ulterior motives. Sectarianism is an issue that should be tackled head on in society, this is where I truly believe we can make a difference. Linking sectarianism inexplicably with football is damaging prospects of tackling the issue from a society level, where I believe it should be dealt with.

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