Justice Committee

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

Written submission from Anonymous 9

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 law is dangerously unclear. The police seem to adapt the legislation to suit their own agenda and to allow them to be unnecessarily heavy handed.

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, in my opinion Breach of the Peace be sufficient however there are other laws such as Section 74 of the Criminal Justice (Scotland) Act 2003 and Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 which could also be used. Having these options highlights how unnecessary this law is and also provides a cleared charge as mentioned earlier in my submission the OBAF is unclear.

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 think it is unneeded and a waste of resources. I have seen people going to concerts which have been rowdier than a football match with some questionable behaviour yet it would never be considered to put a law in place for that so why should football fans be treated any differently.

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?

My understanding is that Section 6 has hardly been used in the whole period since it was enacted. I also understand that police and prosecutors 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?

The act should cease with immediate effect as it is not needed. The act is nothing but a drain on resources. Anyone who has been charged under this act should have their charge dropped as it should never have been enacted.

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

I don’t believe the act has tackled sectarianism anyway, if anything I would say it has allowed sectarianism to become worse as the police are focussing on petty things that they deem offensive.

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