Justice Committee
Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill
Written submission from Alan R Brown

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 do not agree. The intention behind the act is a good one – to suppress sectarian behaviour in Scottish society and lessen the harm it does to us all.

2. Did you support the original legislation?

In principle, yes. In the detail, no. The drafting is not good and should be revisited.

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?

No.

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?

Most behaviour offensive enough to be criminalised should be criminalised in all settings, however football in Scotland is strongly linked to sectarianism and racism. Football matches are also the scenes of inflamed passions, so connection to football should be an aggravating factor for offences rather than a necessary condition.

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?

No.

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

Greatly.

Alan Brown
5 July 2017