Justice Committee

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

Written submission from Phil Dixon

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

No. The Bill is useful and proportionate.

2. Did you support the original legislation?

Yes.

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?

Law is useful only insofar as it is enforced. History demonstrates that the pre-existing legislation did not prevent bigots and rabble-rousers from singing songs proven to provoke violence. In fact, only this week we saw “The Hunger Song” performed with impunity on the streets of Glasgow. The OBFA usefully fills a gap in existing provisions. A case could be made for extending its scope to all public venues, including marches and rallies.

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?

Yes. I’d be happy to see such behaviour criminalised generally.

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, for the same reason as for Q3. For various reasons, the existing law was not properly enforced.

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

It’s a start. Strict liability would be an improvement.

Phil Dixon
5 July 2017