Justice Committee

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

Written submission from Brian Powell

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 offensive behaviour described in the original Act does not occur across other sports and is manifest at football matches and the lead up to football matches.

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?
No. Repeal would create a gap in the law.

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 behaviour that led to the Act being required is exclusive to those attending football matches. If it becomes obvious at other sports then the Act can be amended to include any particular sport.

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?

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?

Convictions should continue for any identifiable offence.

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

It has led to those encouraging or engaging in sectarian behaviour being prosecuted.

It has created a debate around tackling sectarianism where no real action was being taken before. Sectarian behaviour has been around in football for over a hundred years and no long term and real action has been taken.

Brian Powell
3 August 2017