Justice Committee

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

Written submission from Scott Johnstone

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 2012 Act was rushed through and has only caused further problems for both football fans and police officers, as it puts them in even more uncertainty as to what people can and can’t do.

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. Offensive and unlawful behaviour would have already been covered in pieces of legislation such as Breach of the Peace, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 and Section 74 of the Criminal Justice (Scotland) Act 2003.

The existing legislation should cover football just as much as it covers anywhere else in society. Football stadiums should be no different from anywhere else and don’t need any specific discriminatory laws.

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?

Football fans shouldn't be treated any differently from anyone else in society. Scotland can’t just pin its problems on to football fans. Anti-social behaviour and sectarianism for example are problems Scotland face, not just inside football stadiums. And since the introduction of the 2012 Act, innocent people going to football games now feel like criminals for no reason.

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?

Section 6 of the Act has hardly been used at all. The prosecutors and police regularly use other legislation like the 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?

I think the Act should be stopped with immediate effect. I think all ongoing cases should be dropped and I also think previous convictions should be scrapped as well as the law should never have been in place to start with.

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

Scotland does have a sectarian problem, but that problem is far bigger than just at the football. As a football fan living in Scotland I’ve noticed no difference with sectarianism. I hear more offensive language in my work place and in pubs than I ever have at a football match so I think Scotland should focus on ridding sectarianism and offensive behaviour from all parts of society and end its discrimination of football fans.

Scott Johnstone
8 August 2017