Justic Committee

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

Written submission from Mikaela McKinley

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 is not required and is discriminatory towards football fans.

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 - Existing law is sufficient. Examples being; Breach of the Peace, Section 74 of the criminal Justice (Scotland) Act 2003, Section 38 of the criminal Justice and Licensing (Scotland) Act 2010. All of the above and other existing legislation is adequate for handling football related issues. There would be no gap or risks created by repeal of section 1.

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 - watching, attending or travelling to/from football matches, do NOT require laws which apply solely to them. This is unfair. It is not required or an acceptable way to treat a section of society.

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?

I believe that other existing law is sufficient. Section 6 has not often been used in period since it was enacted. Police and prosecutors regularly use other legislation e.g. Communications Act, 2003. Therefore no risks are created by its repeal.
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. I strongly believe that all ongoing cases should be dropped and previous convictions should be quashed - many have been unfair. Being charged under law that applied only to football fans is not acceptable and should never have been enacted.

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

I do not believe the 2012 Act has assisted in tackling sectarianism. It has been very unsuccessful in this area.

Mikaela McKinley
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