Justice Committee
Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill
Written submission from John MacLean

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 disagree with the proposal. There is a strong argument for extending the provisions of the Act to include the "marching season" but football matches still constitute one main focus of sectarian hatred in Scotland and so it is right that there is an Act to deal with that situation.

2. Did you support the original legislation?

Yes, I did.

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?

Existing legislation clearly does not do enough to control the offensive and sectarian hatred which occurs at football matches among a minority of teams’ supporters.

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 Act would be better to have an enlarged scope so that it does not only apply to football matches. This may cause resentment among soccer fans. However, football does need a focus even if not totally specific to that 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?

Don’t know. I do know that I experience fear and alarm when in the presence of supporters of the Protestant succession who are associated with particular football teams. I am not a Catholic – if I were I would imagine the alarm would be compounded.

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

The Act makes it clear that as a nation and as a society we do not accept the presence of sectarianism and we are determined to oppose it wherever it rears its most ugly head.

The Act itself will not reduce the prevalence of sectarian abuse. Responsibility for this lies with parents, schools, churches, community groups and many others working together to promote tolerance and understanding of others who do not share each other’s religious and cultural beliefs. This will be a long term project across several generations.

Repealing the Act will make a clear statement that Offensive Behaviour at Football matches is no big deal for Scotland. While a large number of people in Scotland support the Act the proposers of Repeal claim that the Act is unpopular. A repeal for narrow political purposes will have a strongly negative impact of the efforts of many to reduce sectarian hatred.

John Maclean
4 July 2017