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 I fully support repeal of the bill. The Act is an offence to civil liberty and the pernicious legislation unfairly targets working class football fans. It takes up an unjustifiably high level of police resource to police it and has created unnecessary friction between police and law abiding football supporters. I am aware of many mostly but not exclusively young males charged under the act, not allowed to attend football until court, then subsequently charges dropped or not guilty at court. This is harmful to these persons and evidence of bad law. The legislation is adversely impacting upon the life chances of too many non criminal young people.

2. Did you support the original legislation?

No. There was already sufficient legislation in place. I regarded it as brought in with undue haste and was ill considered. I regard it as Scotland’s legal shame and suspect had it not been Alex Salmond who was behind it that it would have repealed already. It is clear there is a strong view in legal and even in police circles (perhaps not at the discredited and politicised top of Police Scotland but certainly among the junior ranks I have spoken to) that this legislation should go.

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?

Other laws exist including Breach of the Peace, Aggravated Breach of the Peace, Assault, Racial Discrimination etc and I do not anticipate any gap in the criminal law from its repeal. Indeed I believe repeal will make it easier for both ordinary citizens and police. The current Act is one mass of confusion.

It is my experience (talking to police, lawyers and fans affected plus my own experience of being threatened by the police regarding arrest under the Act) that many of our front line police do not understand the legislation and are unaware of what is an offence under it. Indeed a discussion with an inspector convinced me that the police are simply looking for convictions without any risk based proportionate analysis of the threat posed by football fans. Policing in this country is by consent yet
this legislation introduces rather worryingly political policing where it is obvious there has been political pressure for prosecutions.

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. It is ludicrous that the evidential test is of causing offence to a person who does not require to actually be present. And why centre on football? What about the many Orange Order parades policed by Police Scotland, approved by local authorities up and down the land. Is there no offence to be taken at their tunes and banners?

Can anybody justify the OB act applying to a person travelling to / from a football match yet similar behaviour on a day when there is no football is not an offence?

Can anybody justify the unequitable focus on football fans travelling to / from a game, or at a game, when political rallies / demos can demonstrate far more threatening behaviour yet be free from prosecution?

Has anybody a catch all list of songs that under this legislation would be offensive? Why is it that songs supporting Irish rebellion are deemed offensive in this part of the EU but not in others?

Why is it that songs about rebellion against the English by the Scots are not seen to fall foul of this legislation yet songs about rebellion by the Irish are?

And finally as a football fan who takes in many, many games at all levels across Scotland some of the worst examples of racist, threatening, sectarian behaviour have come at games involving the smaller teams with absolutely no police intervention. I recall one Clyde game in particular where anti English racism towards an opposition player was staggering.

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?

Sufficient hate crime provision exists and was used before this Act. I see no gap if this Act is repealed.
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 support this. The Act should be got rid of as soon as possible. Indeed my view is that any convictions under the act should be overturned immediately the act is repealed.

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

It has failed spectacularly. Sectarianism is a largely misunderstood term in Scotland and by throwing a blanket “sectarianism” blanket over many things football politicians enjoy being seen to be acting while in reality nothing changes.

The act has in many respects allowed wider sectarianism and racism to flourish as police and third sector charity resources have focussed on football at the expense of our wider society.

Scotland needs a mature country wide discussion regarding racism and sectarianism and cannot afford to go forward with this narrow focus on football.

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