Justice Committee

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

Written submission from Paul Cochrane

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. Producing an Act that purports to tackle sectarianism and does not do so nor does it mention it is analogous to having anti-drug abuse legislation that does not include the word ‘drugs’ in it.

2. **Did you support the original legislation?**
   
   No and I submitted the appropriate response.

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 provisions could deal with violent and aggressive behaviour. I am not sure if ‘offensive’ behaviour is an appropriate description as this is so personal. For example, I found it offensive that Mrs Thatcher was once invited to hand over the Scottish Cup – who should be arrested?

   Without being a lawyer, I believe ‘Breach of The Peace’ was sufficient to clamp down on aggressive behaviour, particularly if there was an aggravated element to the charge.

   I am not an expert on Communications Law and so I decline to comment on that aspect.

   I did submit to the original consultation and found myself in the convivial company of Professor Tom Devine, the Law Society and human rights activists.

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?**
   
   I do – I find it incredible that if 2 men were walking thru George Square chanting and signing about Hunger Strikers or Apprentice boys and putting the public in a state of alarm, that only the man going to Hampden would be arrested and charged and the one going to Scotstoun Stadium would be sent home. Acts should be universal and not discriminatory.

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?**
Communications Act 2003 or are we really saying that the current Act could not be amended but leave Section 6?

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?

As I find the Act discriminatory, I would cease all arrests and court appearances for the Act. There are laws to deal with Breach of the Peace, along with aggravation.

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

My experience of games I have attended and watched is that the singing and chanting has worsened as a perverse outcome and act of defiance amongst young fans. I now find a seam of society I thought was dying out is being re-energised and more are becoming educated on a matter that has little relevance to Scotland. It saddens me that this has been the result as I think that society has been conned into thinking this Act tackles sectarianism when it does not mention it at all. I also think that young working class men are an easy mark and they are fully aware that the Government is not serious about tackling sectarianism when marches are still allowed.

Mr Paul Cochrane
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