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

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

No

2. Did you support the original legislation?

Yes

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?

The repeal would create a gap in criminal law as Unlike England, Wales, Northern Ireland and the Irish Republic, Scotland did not have a specific offence for inciting religious hatred without a racial element. If the act is to be repealed new legislation should be brought in to replace it.

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 agree with this as these behaviours could incite public disorder at these venues.

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?

The repeal would create a gap in criminal law as Unlike England, Wales, Northern Ireland and the Irish Republic, Scotland did not have a specific offence for inciting religious hatred without a racial element. If the act is to be repealed new legislation should be brought in to replace it.

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?

No if the law is still in affect then these powers should be used.
7. **To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?**

Although not many convictions the act itself has changed public opinion and the way people conduct themselves at football matches which is progress as more convictions would be counter productive and not what the act aims to do.

William Shirkie
1 July 2017