Justice Committee

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

Written submission from Greg Higgins

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. Football fans are part of society, law exists to maintain public order and to punish racism and sectarian behaviour. A separate law for football fans is prejudicial and unnecessary.

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?

As above, public order, breach of the peace, hate crime laws already exists. Therefore there is no need to replace the existing act, just scrap it and allow existing laws to do their job.

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?

Again football fans are as much part of society as everyone else. Having a separate law that applies only to people attending football matches is prejudice by its implication, unfair and unjustified.

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?

No gap in the law would be created by repealing the act as existing laws are better defined to deal with religious hatred or threatening behaviour as the 2012 act is so subjective and prejudicial and retrospective offence of which no one seen until it appears in social media I find rather strange.

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?

Repeal with immediate effect.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism? None what so ever, it has created animosity towards the police due to the overzealous action of the police. I witnessed people deliberately being more provocative.

Greg Higgins
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