Justice Committee

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

Written submission from Thomas Hanlon

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 feel the bill discriminates against football fans as the behaviour at such events is no different to rock concerts yet the policing approach is very different

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?

The existing breach of the peace legislation was more than sufficient in my view

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, take Rugby as an example, the way in which rugby fans are not subject to excessive police presence and civil liberties are not infringed

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?

Crime and disorder act 1998 section 33. In my view the Act is simply a cash cow for Police Scotland.
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 wish for an immediate repeal with no transition. A bad law is a bad law. I would also call for this who have been convicted under OFBA to have these expunged from record

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

It has not. In my view it was never about tackling sectarianism, but rather a cash grab by the police to secure additional funding and resources.

Thomas Hanlon
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