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

I fully support the proposal to repeal this Act. Whilst I agree that sectarian behaviour and attitudes need to be addressed, this Act singularly fails to do this.

There are a number of reasons for my view on this. These include:

- To criminalise an activity simply because it occurs in a football context is clearly ludicrous. For behaviour at football to be punished when there is overwhelming evidence of sectarian behaviour at, for example, Orange walks, which goes unpunished is clearly unfair and unjust

- I understand that around half of all cases brought under this Act are rejected. This suggests that the Act is ineffective or is ‘flawed’ legislation

- My understanding is that there is existing legislation that could be used to bring prosecutions for sectarian or offensive behaviour instead of the 2012 Act, and that the other legislation could be applied irrespective of whether the offending behaviour takes place within a ‘football’ context or not

- The Act is unclear as to what behaviour is ‘offensive’ and this leaves the determination of what is offensive to the opinion of individual police officers

2. Did you support the original legislation?

I support any legislation that calls out sectarian behaviours in whatever circumstances they occur, and for this legislation to be applied consistently and without fear or favour. It was clear that the 2012 Act would not do this so I was opposed to the Act from the outset.

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?

I do not know enough about other legislation to offer an informed opinion on whether they could be used to prosecute offensive behaviour. From what I can see, though, if someone sang the same songs in the middle of Glasgow City centre at 2.00 a.m. and wasn’t wearing football kit, they could easily be prosecuted for breach of the peace or similar, without any need to refer to the 2013 Act

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?
It seems ludicrous to me to deem something to be inherently offensive merely because someone attends a football match, wears football kit or even watches it on television. If something is wrong it is wrong irrespective of where it takes place.

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?

My knowledge of the law in not sufficient to offer an opinion on this, but would refer to my answer to point 3 above.

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?**

It seems to me that the Act is fundamentally flawed and, with few than half of all cases brought under the 2012 Act being unsuccessful, it would be a poor use of public funds to continue to be brought under the Act. If offensive behaviour is found, my understanding is that there will normally be other legislation that could be used to prosecute.

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

My perception is that it has made zero effect on sectarian behaviour. I would refer you to examples such as singing of the ‘Famine song’ – which has been confirmed as being sectarian and illegal - at recent Orange Walks through Glasgow City Centre.

http://www.dailyrecord.co.uk/news/scottish-news/orange-order-parade-ban-warning-10733777

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