Justice Committee

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

Written submission from Eilean Craig

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 do NOT agree with the proposal to repeal the 2012 Act. Repeated Panel Base and YouGov polls on the matter demonstrate that this is the opinion of the majority of Scots. MSPs in opposition parties are failing in their duty to represent the views of their constituents.

If the claim is true that the legislation is ‘flawed’, the Act should be amended so that the perceived ‘flaws’ are corrected. Or, the Act should be replaced with more effective legislation, rather than simply repealed.

2. Did you support the original legislation?

I support the aims of the original legislation: to combat sectarianism and threatening behaviour and communications. In the past, it has seemed that football fans, clubs and the Scottish Football Association were unable or unwilling to tackle such problems and this necessitated the introduction of legislation.

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?

Have insufficient knowledge to comment.

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?

Sectarianism and threatening behaviour should be criminalised in ALL settings.

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?

Have insufficient knowledge to comment.
Have insufficient knowledge to comment.

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 do not support the proposed Bill and therefore do not support either of these suggested transitional arrangements.

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

I believe that although the Act may be considered ‘flawed’, it is at the very least, an attempt to address sectarianism. Further refinements may be required to the legislation but the Act itself provides a starting point. If the existing law is ‘faulty’, logic suggests that either the required corrections are made or, a replacement Act is brought into being.

Eilean Craig
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