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

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 – it would send out the wrong message. Sectarianism and offensive behaviour is unacceptable – this act provides one means of addressing it.

What message would you be sending out by repeal? That this behaviour is acceptable? The prosecution and conviction figures prove that the act is being used successfully. However even if conviction figures had been low, that would not have been reason to repeal – would we repeal rape legislation because conviction figures are low? Of course not.

A very small number of vociferous football supporters groups are protesting about the act. As far as I can tell these groups want to be able to sing sectarian and/or offensive songs at football matches. I do not agree that they should be able to do so, nor do I believe the vast majority of other football fans do either.

There are undoubtedly other measure that could also be taken to stop this behaviour. In particular, Rangers and Celtic football clubs could do much more to stop sectarian and offensive political singing.

Strict liability has been proven to work in Europe and should be introduced without delay.

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?

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?

Why would you repeal it? Are we saying that this sort of behaviour is acceptable?

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?

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?

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

   The number of prosecutions and convictions under the act speak for themselves

Stephen Jones
15 July 2017