Justice Committee

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

Written submission from Iain Johnston

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. In my opinion the Bill was poorly written and did not provide protection for any group of people. Instead it unfairly targeted specific groups of people, i.e. football fans.

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?

Yes, breach of the peace, racial hatred legislation and others had done the job adequately prior to the introduction of the Bill.

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?

Like what? Singing politically motivated songs? It happens at every protest. If this question is related to the use of Irish paramilitary songs, it is a very subjective topic. I do not like hearing these songs in the football stands but they should not be a crime unless they are racist or are a threat to other people’s safety in some way. Taking offense to something or deeming that someone might take offense to something is ridiculous.

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?

Yes, we are not the only people in the world who attend football matches and opposition fans always find a reason to goad and antagonise one another and there are no special laws like this in other countries.
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?

None whatsoever. If anything, it has pushed it back. In the late nineties and early two thousands Sectarianism was at its lowest in my opinion and there was no law against offensive behaviour. Recently it has come back to the fray a bit more but I think that other reasons such as political reasons have pushed this. Look at the night where the independence result was announced in George Square in Glasgow. Did that have anything to do with football?

Brexit also, look at the sectarian related crimes that have been on the rise in England. Is that because Celtic and Rangers are playing each other? No

There are also economic reasons that have played a part in the rise of sectarianism since the financial collapse and one of the main reasons for Brexit in my opinion.

The point being that the Bill should be removed and to blame sectarianism purely on football is silly.

Iain Johnston
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