Justice Committee

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

Written submission from William Wilson

• **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 do wish to see the repeal of the 2012 Act, as I feel the act is being used in a manner it was not intended.

• **Did you support the original legislation?**

Yes, I felt there was a need for a system which protected all fans, as well as the public at large, from violence, bigotry, race and religious hate crime.

• **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?**

If the existing criminal law provisions had been carried out in a fair and even-handed manner there would have been no need to bring in the 2012 Act, but as that was not the case, something had to be changed. The repeal will leave a gap, but the challenge is to fill that gap with a meaningful Act that is not open to misuse.

• **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?**

My view is that the use of the powers of the of section 1 against football fans leaves you wondering about policing at other large gatherings, as seen, for example, with the recent Orange parades across the country.

• **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?**

With my limited knowledge of criminal law I think my previous remarks cover this point.
• 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?

As I feel the 2012 Act is either unjust, or is being used unjustly, my view is that no further convictions and no further fixed penalties should be issued in the transitional stages.

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

The police, in their interpretation of the Act, have succeeded in making sectarian hate much worse.

William Wilson
11 August 2017