Justice Committee

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

Written submission from Duncan Thomson

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. The original Act did not address what it tried to do. It was general in nature and so wide ranging as to criminalise ordinary fans. It also was impossible to achieve convictions under the act due to its non specific and general nature of it.

It was badly thought out and worded.

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?

Existing legislation is adequate, if used correctly and the police have the bottle to use it.

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?

Yes, it's a sledgehammer to crack a nut. It is unwieldy, ineffective, confusing and frankly impossible to use.

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.
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?

Fair.

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

None whatsoever. Sectarian folk will be bigots irrespective of the legislation, they don't care.

Lack of high profile tackling of sectarianism for example by Rangers and Celtic fans at their own grounds and away grounds, due to Police Scotland’s hiding behind public order excuses has continued until action is taken.

I blame Police Scotland, not the legislation.

Duncan Thomson
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