Justice Committee

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

Written submission from John Hughes

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. Any Law which relies on the “offended” person invariably being a police officer (who is now trained in what he/she should regard as offensive) and which relies on a fictitious person being “incited”, is anti-democratic and is not acceptable in a free society. I find it hard to believe that only in Scotland, and only in relation to football, can one be convicted for “inciting” a person who need NOT be reasonable, who NEVER heard or saw anything, and who may NEVER hear or see anything. Even George Orwell couldn’t have come up with that notion! However well intentioned, this Law does not work and shames Scotland.

2. **Did you support the original legislation?**

Limited support

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?**

Breach of the Peace would cover most of offensive behaviour. Any very limited gap isn’t worth the damage this Act does.

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?**

It's wholly unacceptable that ONLY “offences” connected to football is covered. This is discriminatory against football fans.

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?**

Breach of the Peace and anti-hate laws would cover most.
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?

As soon as it becomes clear that this Act will be repealed, no further proceedings should start.

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

It has not come anywhere near to addressing sectarianism. Indeed, it has made matters much worse by encouraging fans to show their opposition to the Act by indulging in behaviour that they may not otherwise have done.

John Hughes
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