Justice Committee

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

Written submission from Mark Lyons

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. It is an illiberal, unnecessary and authoritarian piece of legislation the sole purpose of which is to criminalise otherwise law-abiding citizens.

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, there are already sufficient laws in place to deal with hate crimes, criminalising offensiveness, or allowing police officers to decide what constitutes offensiveness does not work.

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?

This is the main problem with the bill; if a non-football fan committed a similar act to a football fan they would not be breaking any law.

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?

See response to question 3.

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?

There should be no convictions from the bill as soon as the repeal bill is passed, regardless of what stage of the football season this happens.
7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

It has been a complete failure. Its purpose was never to tackle sectarianism; indeed in the wording of the bill I don’t believe the word “sectarian/ism” was used once.

Mark Lyons
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