Justice Committee

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

Written submission from Robert Niven

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. Since the introduction of the bill, it has caused division between the fans and Police Scotland and a breakdown in communications. This has led in certain situations I have witnessed in abuse of these powers by the police force.

2. Did you support the original legislation?

The legislation in place was sufficient and allowed dialogue between fans and the police forces. This has been non-existent since the 2012 Act was introduced.

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?

I believe Repeal of Section 1 does not create a gap in criminal law as prior to the 2012 Act, provisions were already in place with the Criminal Procedure (Scotland) Act 1995. Public disorder was dealt with in an effective manner prior to the 2012 Act and also relations between Police and fans were such as fans took steps to ensure public disorder was kept to a minimum with little interference from the Police. Prior to the 2012 Act, the Police force operated in a more ‘Sensible’ approach. Since the 2012 Act, this approach has been replaced by intimidation and threats under the 2012 Act.

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?

Supporting any football team should not be criminalised. Also the videoing of fans antagonises the situation and makes fans feel like criminals when all they want to do is watch a football match.

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?
If the Bill is repealed, I believe ALL convictions under the Bill should be quashed and all individuals admonished.

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

It hasn’t. In effect it has gotten worse and police are wary of upsetting the ‘wrong’ fans. On multiple occasions I have expressed disgust at certain songs being sung that are against the Catholic faith only to be told by police officers, ‘What do you want us to do about it, your lot are just as bad’. Coming from an officer of Police Scotland I found this disgraceful.

Robert Niven
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