Justice Committee

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

Written submission from Stuart Shankland

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 unnecessary as there are already laws at the discretion of the police and Crown Office and Procurator Fiscal Service pertaining to racism, sectarianism, breach of peace etc in place to tackle said issues and this Act has not been constructive in doing so.

The legislation was also pushed through quickly with few debate and constant opposition. The Scottish parliament is set up to allow governance by cooperation and this piece of legislation does not coincide with such a design.

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- Breach of Peace, Section 74 of Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 – I think existing legislation would cover football and that the Act is unnecessary as it designates more power to police to accuse certain behaviours, such as political or historical as criminal when they would not otherwise be and nor should they be (for instance, wearing a t-shirt that says ‘Free Palestine’).

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?

I can’t think why but would be happy to hear the discussion and points of those that do.

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?

As I understand, prosecutors use other legislation than Section 6 of this act which is barely used.
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?

It should stop being used against football fans with immediate effect. I think all charges should be dropped and I think that this legislation has been awful in terms of what it has done for football fans and their relationship with the police. The fact this law only applies to football fans is also very objectionable.

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

Sectarianism should be tackles from society to prevent such behaviour occurring at football. Treating it as a mere football issue targets football fans when the issue is not exclusive to football although some clubs might have fans that are guilty of this.

Stuart Shankland
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