Justice Committee

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

Written submission from Amanda Hodgkiss

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. I believe that the 2012 Act restricts the rights of and criminalises football supporters. It also damages the trust between the police and football supporters and it damages the relations between supporters of different teams. The 2012 Act is an expensive and unnecessary law what wastes police time in monitoring football supporters for the slightest infraction and it also complicates and clogs up the justice system as cases are brought that are far too trivial to take to court.

2. Did you support the original legislation?

I did not live in Scotland in 2012 so it would be unfair for me to comment.

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 The Peace would do the job adequately. The repeal of section 1 would not create any gaps in criminal law.

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?

The 2012 Act can be discriminatory in that a football supporter could be prosecuted for actions labelled as “offensive behaviour” whereas a member of the public in a different setting would not be apprehended for committing the same actions. An action/behaviour is either legal or illegal, the venue at which the action/behaviour takes place (for example: football stadium, rugby stadium, fast-food restaurant, supermarket, train station, public house, shopping mall, etc.) is not relevant.

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. The Communications Act 2003 (Section 127) would do the job adequately. The repeal of section 6 would not create any gaps in criminal law.

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?

I agree with this action.

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

None at all. Sectarianism is long-standing and it is a society-based problem. Diversity lessons in schools would help to eradicate sectarianism and other forms of prejudice.

Amanda Hodgkiss
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