Justice Committee

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

Written submission from Martin Neill

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. This legislation has only worsened the relationship between the police and football fans. It does nothing to tackle sectarianism. It unfairly criminalises football fans.

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?

There is already ample legislation in place to deal with public disorder at football, such as Breach of the Peace.

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?

Section 1 unfairly stigmatises 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?

Yes. Provisions under Breach of the Peace, the Communications Act 2003 and section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 can be used to prosecute such threats. There will be no gap in the law with the repeal of the section 6.
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?

All cases should fall and no further charges brought.

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

It has not tackled it in any way at all. It has only made worse the situation worse and led to a serious deterioration in the relationship between police and fans.

Martin Neill
14 August 2017