Justice Committee

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

Written submission from Michael Pringle

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

I agree entirely that the Act should be repealed. I attend football matches across the country every week and have watched in horror how this has been enforced by the police. I am totally bemused that an action by an individual can be deemed an alleged offence purely because it is in the context of watching or travelling to a football match. The vast majority of the arrests under this Act have arrived with no one being “offended” other than police officers, and no threat or even hint of disorder. Like many supporters I have been subjected to constant filming as if I was a criminal, on the basis that I may or may not commit an offence. It would seem that the police are keen to try and give the impression that this Act is working by racking up as many arrests as possible, with many on ridiculous grounds.

Scottish football is one of the safest environments in Europe and the world to watch football as a spectator but the police, thanks in no small part to their enforcement of this Act, have mitigated my and others’ enjoyment of the game in recent years. I had no problem taking my toddler son to football matches at the weekend, the only fears I did have were not from fellow supporters but from my son being subjected to the behaviour of dozens of police officers with cameras, and their need for constant surveillance. I’m a middle-aged man but since the introduction of this Act my wife worries a lot about the policing at the games. She did attend matches regularly but has been put off from attending, and no longer does – purely because of the policing at football now.

This Act has driven a wedge between football fans and the police in my opinion, and it will now take a lot to close that divide. I know a number of hard-working, honest individuals who have been directly affected by this Act and their families have had to put up with their sons and fathers being arrested at their homes or places of work, and enduring long drawn-out court proceedings, missing numerous days at work – to be acquitted at the end. Trust has been eroded and it is extremely difficult to rebuild that.

2. Did you support the original legislation?

No, I was against it straight from the first time I heard about it. I thought it was ill-thought-out, unfair and nonsensical.
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 were laws already in place. In my opinion there was a need for better implementation of the existing laws rather than a new badly thought out new Act; section 38 of the Criminal Justice and Licensing Act (Scotland) 2010 for example; where the behaviour of any alleged offender does not even have to be likely to cause a public disturbance. This also covers offences aggravated by prejudice of sexual orientation, race, and religion etc. We also already had laws covering Breach of the Peace, Culpable and reckless endangering of the public, vandalism, mobbing, and malicious mischief.

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?

Thanks to this Act we now have an absolutely ludicrous state of affairs, which discriminates against one section of society, and total nonsense that this is enforced in a democratic society. Someone watching a football match can be deemed to have offended by their actions merely because they are watching a football match rather than another sport, or even a documentary on television. I really don’t need to say anything more than that.

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?

I don’t believe there is any risk of creating a gap in the law. Section 38 of the Criminal Justice and Licensing Act (Scotland) already made it an offence to behave in a threatening or abusive manner likely to cause fear and alarm, aggravated by religious prejudice.

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?

The Act should cease immediately and any further charges or fixed penalties should be issued under law that was in place prior to the Act being put in place i.e Section 38 or Breach of the Peace.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
I don’t think it has assisted at all. I believe it has merely added to the problem. The sentiment behind the Act may have been well-intentioned, personally I don’t agree with that, but it has missed the mark by a country mile. Enforcement of the previously existing law and better education programmes are needed, not bad law that merely criminalises people who would not be near a court otherwise.

Michael Pringle
14 August 2017