Justice Committee

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

Written submission from Elizabeth McClure

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

No I do not agree with its repeal.

It will send a message that sectarian singing & abuse is acceptable.

It is a protection for minority groups.

2. Did you support the original legislation?

I supported a form of legislation to discourage sectarian and other abuse at football matches.

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?

The Act creates 2 new criminal offences. The offence of “offensive behaviour at regulated football matches” criminalises offensive or threatening behaviour in relation to football matches that is likely to incite public disorder. The offence of threatening communications creates an offence of making communications which contain threats of serious violence or which contain threats intended to incite religious hatred. The first offence is not restricted to behaviour which is “sectarian” but applies all behaviour related to football that is likely to lead to public disorder, it is not focused on one team, or one song or chant but all offensive songs and chants or other offensive behaviour by the supporters of any team, including our national team.

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?

Yes I personally have been subjected to sexist comments & behaviour from fans on travelling to a match. I think they feel safety in numbers.

No doubt there are existing laws dealing with this type of behaviour but how can the identity of someone in a large crowd be verified.
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?

No because of the large crowds and the feeling of being part of a group who think and act in the same way.

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 convictions should continue until the law is repealed or replaced.

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

Statistically there has been a decrease since the Act was introduced. Even if it’s not directly due to this act, I believe the Act itself raises awareness.

I originally wrote to you in reference to Orange walks which I believe need to be curtailed.

Why does the ‘marching season’ last for 12 months?

This is ludicrous, it should be confined to the date of the ‘celebration’.

Too many people’s lives are disrupted by this walk which is offensive to many people.

Elizabeth McClure
16 August 2017