Justice Committee

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

Written submission from Ciar McKinley

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 the law which already exists is sufficient.

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 the Peace, Section 74 of the criminal Justice (Scotland) Act 2003, Section 38 of the criminal Justice and Licensing (Scotland) Act 2010. All of the above and other existing legislation is sufficient for football related issues. There would be no gap created by repeal of section 1.

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 believe that Section 1 is completely unnecessary and football fans should not be singled out with a law which applies solely to them.

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?

Existing law is sufficient and no risk will be created by repeal. Section 6 has not often been used since it was enacted. Police and prosecutors regularly use other legislation e.g. Communications Act, 2003.

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 with immediate effect. All ongoing cases should be dropped and previous convictions should be quashed. It’s unfair for football fans to have been
focused on and charged under law that applies solely to them. The bill should never have been passed.

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

The act has not been effective in tackling sectarianism.

Ciar McKinley
16 August 2017