Justice Committee

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

Written submission from Kevin Paterson

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. A terrible piece of legislation brought in to criminalise football fans within football stadiums for things that would be considered perfectly legal in any other part of society.

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, ie Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.

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?
   Absolutely not and such things are extremely dangerous, affecting football supporters' lives. Personally I know how much charges leading to court cases can affect families, work, careers first hand.

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?
   Section 6 has hardly been used in the whole period since it was enacted and that 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 to be used against football fans with immediate effect.

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

The act has done absolutely nothing to tackle sectarianism within football
stadiums and existing laws to tackle this issue we’re already in place before this
piece of legislation was rushed through parliament.

Kevin Paterson
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