Justice Committee

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

Written submission from Joe McGee

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Yes the bill should be repealed, it unfairly targets football fans using unnecessary legislation, there was and still is legislation to deal with situations at football events.

2. Did you support the original legislation?

No, I did not, from its inception I believe the SNP used football to grandstand on an issue that goes deeper than football in Scottish society.

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, there is existing legislation that for some strange reason was never enforced, we have the technology especially inside grounds to highlight specific individuals and crimes.

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?

This legislation only applies to football fans, in a supposed fair society we should all be treated the same and expect to be treated the same.

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?

There has and is existing hate crime legislation be that sectarian/ racial etc etc; adding another layer specific to football dilutes the existing legislation.
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?

There should be no further conviction if there is a chance it could be repealed. Fixed penalties can be issued regardless of the bill.

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

I don’t think it has, sectarianism was in Scotland and Scottish society long before it became an issue in football.

It’s like football fans are being blamed for all of Scottish societal ills, banning orange walks in Glasgow would be a start, why should a city with the highest population of Catholics have to endure a hate fest every year- you can’t pin that on football.

Joe McGee
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