Justice Committee

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

Written submission from Sean Huddleston, PhD Candidate and associate lecturer – School of Education, University of the West of Scotland

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 do agree with the proposal to repeal the 2012 act.

This bill was flawed, rushed and misguided from the outset.

I propose that the Scottish Government initiate a much more measured, precise and informed plan to target sectarian hatred in Scotland. This new plan should also consider less punitive measures and focus more on community and restorative measures that are much more proven to have positive impacts on future behaviour of offenders.

2. Did you support the original legislation?

Yes I do agree with the proposal to repeal the 2012 act.

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?

Breach of the peace and other associated charges are than suffice for tackling inappropriate behaviour at football matches. There is/was no need for new laws.

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 do.

This is essentially the main flaw with this legislation – behaviour that is inappropriate at musical or cultural events are not criminalised in the same way as those attending football matches despite arrest and charge figures being comparable and similar.

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 is, and has not been, a gap in the criminal law. If someone behaves in a sectarian manner and commits an offence i.e. battery, assault, then the prefix ‘religiously aggravated’ can be applied.
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?

n/a

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

There is no discernible evidence that the 2012 act has assisted in tackling or eradicating sectarianism.

The impact and outcome of this act has been criminalise and traumatise hundreds of people (sometimes with the associated factor of targeting people who have committed no offence whatsoever).

Again, I propose that the Scottish Government focuses more on community and education provisions to tackle this form of prejudice rather than purely criminal procedures.

As an addition, I am happy to present my own research and case to any panel or committee that the Scottish Government/Parliament may or may not convene on this issue.

Sean Huddleston
17 August 2017