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 2012 Act has shown itself to be ineffective and unhelpful. It unfair as it targets footballs fans for behaviour that would otherwise be deemed acceptable by other citizens, as well as effectively criminalising people – often young people – which will likely affect their future.

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?

There is already legislation in place to deal with public disorder at football matches.

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?

It clearly treats football fans unfairly in comparison to other members of the public.

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?

Yes. My understanding is that provisions under Breach of the Peace, the Communications Act 2003 and section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 to prosecute threats like these, therefore I do not believe there is a risk of a gap in the law.

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?

No further charges should be brought.

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

Unfortunately, the 2012 Act has failed to tackle sectarianism.

Pauline McNeill MSP
17 August 2017