Justice Committee

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

Written submission from Anthony Kerr

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 due to laws already in place to tackle these issues prior to the Act coming into legislation.

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?

Crimes committed inside and outside the football stadium can be covered in legislation from breach of the peace to incitement. There is no need for another law to specifically target football fans.

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?

A law made specifically for football fans is discriminatory to class and also draconian.

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 is rarely used and other laws exist to prosecute for religious hatred etc.

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The act should be repealed as soon as possible and all charges should be quashed.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
None, it's actually given rise to sectarianism and turned a large percentage of working class football fans against establishment figures like police and politicians.

Anthony Kerr
17 August 2017