Justice Committee

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

Written submission from John Paul Forbes

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. It’s a terrible act as it criminalises innocent football fans. I was charged under this Act in 2014 and was almost remanded in prison. I nearly lost my job because of this charge, a false charge which was eventually thrown out of court. I struggled with the worry caused by it and lost numerous days wages as a result of court appearances. The strain this placed on me and my family almost led to my wife leaving me. When the charge was dismissed, this did not undo the damage that was done to my life. I do not want any more innocent people to go through the same torrid time that I did. Other laws exist to prevent hate crime but this law has given the police to arrest people for almost anything, as happened to me. It runs the risk of ruining lives if it is allowed to stay.

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.

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?

No.

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?

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?

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

None whatsoever.

John Paul Forbes
17 August 2017