Justice Committee

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

Written submission from Carlos Rankin & Kristi McGurk

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 targets football fans in an unfair manner.

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, breach of the peace would be enough to cover offensive behaviour at football. Believe this legislation would be sufficient to cover issues at football.

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?

Absolutely think football fans should be treated no different to anyone else.

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 I believe has not been used very often and police usually opt for other 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?

I believe the bill should cease to be used immediately and any previous convictions with this act (not many) should be quashed or at the very least reviewed.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
In no way at all, hasn't stopped sectarianism, has only made tensions higher with the authorities, made going to the football harder and anyone charged under the act has made their life very difficult.

Carlos Rankin & Kristi McGurk
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