Justice Committee

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

Written submission from Mark Gillespie

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 is a law solely focused on criminalising football supporters and trying to blame them for the larger societal issue of sectarianism.

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. There is already legislation in place to deal with any issues and there is no need for football specific provisions when common law would cover all aspects of it.

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’s disgusting. I see no reason whatsoever to treat innocent people going to spend their hard earned cash to go and support their football team as if they are criminals.

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?

I have regularly seen prosecutors and police use the communications act 2003 rather than Section 6, I believe there is already legislation there.

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?

Immediately. All ongoing cases should be dropped and any previous convictions quashed.
7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

Zero, as I have said previously it is an attempt to deflect the blame of a larger societal issue of sectarianism on innocent football fans.

Mark Gillespie
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