Justice Committee

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

Written submission from Connor Scott

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

I absolutely agree with the proposal to repeal the Act. The act has been very poorly thought out, and is being used to punish football fans and charge them as criminals for crimes that would not be punishable by arrest if it happened on the street on any other day apart from match day. It has put an unnecessary amount of stress on the relationship between fans and police as no one really knows what is and what isn't right through the law, as it is open to interpretation to the offended party whoever they might or might not be.

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?

The law was already covered in existing legislation with the Breach of the Peace, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 and Section 74 of the Criminal Justice (Scotland) Act 2003. The law was adequate enough to deal with situations outside of football stadiums already, there is no need for a law which only applies to football supporters.

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?

Football fans should be treated like any other person in society, singling football supporters out for special treatment is ridiculous. It's not a football problem it's a society problem. These problems exist outside of attending, watching and travelling to football games, and they should be dealt in a way that is relevant to that.

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?
There is existing legislation already in place to deal with these sort of offenses, I
don't think Section 6 has been used in incidents as often as they should have been,
and the existing legislation has been used anyway.

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 cease immediately and any further charges or fixed penalties should
be issued under law that was in place prior to the Act being put in place i.e. Section
38 or Breach of the Peace.

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

It has done absolutely nothing to stop sectarianism. If anything, the act has
aggravated the situation. The laws already in place for dealing with sectarianism
where suitable and up to task. The problem does not start and end with football, it's a
problem that we as a country share and should be dealing with head on, instead of
writing it off as the big bad football supporters.

Connor Scott
17 August 2017