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, after seeing first-hand how police have been abusing the powers granted to them under this act it is my opinion that it is causing a growing sense of resentment from football supporters towards Police Scotland. Both are constantly at conflict with one another and it has been the case that police officers at football matches are needlessly instigating incidents. If this wedge between supporters and the police continues to manifest I believe the eventuality will unfortunately lead a major flashpoint, if not a series, between both.

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, any behaviour that is an action which could be classed as a hate crime or an act of public disorder is a criminal act punishable by law regardless of whether it takes place at a football match or any other social or domestic setting. The Act only overlaps existing legislation on these matters, these vary from offence to offence but are largely covered by Section 38 of the Criminal Justice Licensing (Scotland) Act 2010 and for hate crimes Section 96 of the Crime and Disorder Act 1998, Section 2 of Offences (Aggravation by Prejudice) (Scotland) Act 2009 and Section 74 Criminal Justice (Scotland) Act 2003.

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?

As per section 3 an offence is an offence regardless of the location and setting, starting to split society into groups governed by different laws defined by sporting interests is in short ludicrous.

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?
Anyone making threats will be liable for prosecution under the Threatening Communications Act 2003, which appears to be favoured by prosecutors over section 6 of the Act as things stand at the moment.

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?

Yes, if passed the date of repeal should be an end to convictions under the Act. Continuing to pursue convictions after this date would look to the public that prosecutors are acting on spite, and due to the fact that the repeal will have been successful, those on the receiving end are being convicted under non-existing legislation.

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

None what so ever, the Act has been used to punish football supporters for minor misdemeanours with over the top and heavy handed punishments. The scope for tackling sectarianism under the act is previously available with existing legislation previously mentioned.

Ross Gallacher
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