Justice Committee

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

Written submission from Colin Hester

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. This act must be repealed as it is unnecessary and criminalises football fans. I face constant intimidation from police at football matches even though I have never been in any trouble before. This leaves myself and family members worried I could be arrested.

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. Other laws such as Breach of the Peace and section 74 of the criminal justice (Scotland) 2003 act are sufficient to cover issues at football matches without discriminating against football fans.

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?

This act serves no other purpose than to discriminate against football fans. Criminal behaviour is criminal behaviour regardless of the setting. Those who attend concerts or other sporting events do not face the same harassment that football fans face on a weekly basis.

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 has hardly been used in the whole period since it was enacted and police and prosecutors regularly use other legislation eg Communications Act, 2003.

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?
My view is that this act should cease to be used against football fans with immediate effect. Any cases that are not concluded should also be dropped. This act has proven to be discriminatory and any previous convictions should be quashed as they should never have been enacted in the first place.

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

The act has done nothing to tackle sectarianism. It has instead caused resentment and also fear of the police. Previous legislation was sufficient in tackling sectarianism and criminalising people for behaviour deemed offensive does nothing to tackle the problem.

Colin Hester
17 August 2017