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. There are already adequate legal boundaries in place to deal with the behaviour it claims to deal with. The conviction rates prove that this doesn’t work. It unfairly targets football fans for ‘offenses’ that would otherwise be considered legally above board for anyone else - it is discriminatory.

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, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice & Licensing (Scotland) act 2010. Existing legislation, in my opinion is more than sufficient to deal with issues that cover ‘football matches’.

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?

I think the laws that are currently in place such as those mentioned above are adequate to deal with any issues of this nature for all of society. I do not believe there has to be a separation or specific law for ‘football fans’. Its discriminatory.

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?

No, I do not believe there would be a risk in creating a gap in criminal law. As stated previously, I believe there are sufficient laws in place to deal with any issues that may arise at football matches or elsewhere. Section 6 to my knowledge has not been widely used since it was enacted, with prosecutors prefer using other legislation such as the 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?

It should cease with immediate effect, and I also agree that cases not concluded whereby citizens are charged under the ‘act’ currently should be dropped, and I believe firmly that all previous convictions should be quashed given the discriminatory nature of the Act.

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

It hasn’t assisted at all. It is widely believed to have had the opposite effect, ‘stoking the flames’ of a ‘problem’ as stated by Celtic Football Club in a recent statement. The driving force behind this has been the further alienation of football fans by discriminatory legislation, such as this.

Christopher Myler
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