Justice Committee

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

Written submission from Liam Duffy

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 because the Act is full of flaws and there is already laws in place to tackle disorder and sectarianism in society.

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 and assault already cover public disorder.

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?

No - laws should apply to society as a whole not one part of it.

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?

Yes - there is already legislation to deal with sectarianism and threats of violence.

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?

There shouldn’t be any further convictions while the act is getting repelled all previous and ongoing convictions should be took away and halted.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
It hasn't, still hear it at the football and wider society all the time. Sectarianism is rife every time orange walks are on the roads.

Liam Duffy
17 August 2017