Justice Committee

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

Written submission from Matthew Mackinnon

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 laws in place to deal with offensive behaviour. Football fans should not be singled out and treated differently from the rest of society. I firmly believe there is no place for this act in Scotland.

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. There are plenty common laws already in place to deal with offensive behaviour at football matches such as Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003 and Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. These pieces of legislation are more than sufficient enough to cover issues at 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 strongly believe there is no need to have a law which applies only to football fans. In no other sport in the country do you see the same laws being applied and this act is directly attacking football supporters. This causes upstanding members of society to feel criminalised when they should be enjoying their match-day experience.

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?

The repeal of Section 6 will not create a gap in the criminal law. Section 6 has hardly been used in the whole period since it was enacted and the police and prosecutors regularly use 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?

I believe that as soon as the Act is repealed then all cases under the Act should be dropped with immediate effect. I also believe that any previous convictions under the Act should be quashed. For me, the act was rushed through and there was no need for it in the first place and no one should be affected by it once it is repealed.

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

I firmly believe there was no need for the Act to be rushed through in the first place. There are plenty of laws in place to tackle sectarian behaviour and I just see the Act as a direct attack on football supporters.

Matthew Mackinnon
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