Justice Committee

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

Written submission from Joseph Currie

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

This is a ridiculous Act which has dangerously put law abiding citizens into the criminal system. The arrest and conviction rate has proved to be a waste of resources and has soured relationships between football fans and the police.

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?

Existing legislation was more than adequate to deal with what the Act stands for alone in targeting football fans not only at games but in certain hours before and after said games. It has singled out law abiding fans and members of the public creating division and mistrust with Police Scotland

Various laws and legislation already in place such as breach of the peace, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 for anti-social threatening and abusive behaviour, sectarian hatred or religious prejudice were covered by Section 74 of the Criminal Justice (Scotland) Act 2003 so therefore renders most of the act invalid

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 a football fan of many years i have travelled far and wide following my team. Since the Act I have seen a dangerous upsurge in attitudes of mistrust and contempt to Police Scotland which I think is getting now to a stage of being irreparable. There is no other sporting event or event where a member of the public pays good money to be subjected to interrogation and being filmed like a wanted criminal than that of going to a football match in these last few years.

Football is in a bad enough state and needs to be positively promoted but all this law is succeeding in doing is creating disharmony to / from and also in and around stadiums which has a negative effect all round socially.
I have even been alienated from others on my travels to games. One example was relaxing on a long train journey (Glasgow to Aberdeen) with my sons. I had light refreshments taken from me due to the fact that I was travelling to a football match which in fact was 8 hours from kick off.

I watched in disbelief as other folk in the same carriage relaxed freely with refreshments, some on vacation, others on business. I was committing no offence other than going to the football.

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?

It is my understanding that Section 6 has barely been used since the inception of the act therefore renders this question irrelevant. However as I have mentioned before the law already in existence cover this scenario and has and will continue to be used by the prosecution services in future so I would fail to see in what aspects any form of gap would be created.

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?

The Act should be repealed with effect.

All charges should be quashed with immediate effect. It is wrong for an Act to be passed to deal with and single out one such event e.g. football matches. I've seen more offences committed at a Take That concert than at a football game including Drunk Disorderly / Breach of the Peace / Anti-Social Behaviour. It would be ludicrous to have a separate Bill for any kind of event, wouldn't it, when legislation that was already in place covers such behaviour?

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

It has been a failure in tackling sectarianism.

If anything I have seen a rise in sectarianism since the Act. Money and resources should be spent on educating the problem and not driving a wedge of distrust and further disharmony with dragging citizens thru courts to gain criminal records with a view of point scoring and meeting prosecution targets.

Aiming for numbers in convictions is not solving the problem and in my opinion this is all the act is setting out to do.

Joseph Currie
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