Justice Committee

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

Written submission from John Docherty

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.

The Act was an attempt by the government to blame football for all of Scotland’s sectarian issues.

Individuals should not be treated differently for offences they commit, depending on whether they were at a football match or not.

Who decides what is offensive? Every time I see Alex Salmond I am offended, and “God Save The Queen” is an insult to democracy, history and religion.

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?

1 – Yes.

2 – If there are not sufficient measures already in place you should all resign. It’s not my job to know the minutiae of the law.

3 – Again, if it does it means that you have failed to implement laws covering all behaviour.

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?

Yes I do. No such behaviour should be criminalised.

It’s either criminal (note; not just offensive) or it’s not. The setting is not relevant.

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. Again, if there are no such laws in place you should ALL resign.

If there are no laws in place to “prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred” you should all hang your heads in shame.

Trying to relate this just to football is to ignore the rampant sectarianism in Scotland over the past decades.

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?

No.

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

Not at all. Both the government and the football authorities have allowed, and even promoted, sectarianism over the recent past.

Remember it was Kenny MacAskill who praised Ranger’s fans singing at a cup final just a few years ago, even although they were singing songs that were, by that time, already banned1.

It took the European football authorities to take action on something that should have been tackled decades before.

John Docherty
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