Justice Committee

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

Written submission from John McEwan

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. I believe that the act is unfair on football supporters. And actively encourages police to single out people attending football games

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 I’d think there are sufficient laws to prosecute offensive behaviour at football. Common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010; is one that stands out. It can be used to cover situations when people are aggressive. And threatening but is not purely focused on the football.

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. It's not a crime to be a football supporter.

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?

I believe there are existing laws to prosecute threats with the intent of causing fear or alarm. The Communications Act, 2003 is commonly used in this instance to prosecute.

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 take effect; and that the police will cease issuing fixed penalty notices at least from the point at which the Bill is passed?
I believe the act should be withdrawn at immediate effect. All cases that are ongoing should be dropped and previous convictions should be quashed. A law that only criminalises football fans should never have been put in place in the first place.

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

I don't think it has at all. Sectarianism is a problem throughout Scotland and does not happen only at football. This act has just giving police more powers to harass and intimidate football supporters in this country. At a time when football clubs are crying out for attendances to rise to keep in business. Now people are turning away and not going to support their clubs because of the way the police are acting inside and outside the grounds.

John McEwan
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