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 is already legislation in place which deals with the behaviour referred to under the 2012 Act.

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. Section 38 of the Criminal Justice Licensing (Scotland) Act 2010. The type of behaviour alluded to in the 2012 Act has obviously been encountered before that Act came into force and had been dealt with through criminal proceedings, therefore there is no risk in creating a gap in the criminal law.

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 do not agree with singling out football fans and having legislation which is solely for the purpose of harassing people going to watch a specific sport.

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, I think there are existing provisions in criminal law to cover these issues. Since this legislation has come into force Section 6 of the Act has had minimal use with the Procurator Fiscal regularly using other legislation to prosecute against such behaviour.

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 think the Act should cease with immediate effect and all cases which are not concluded be dropped, and those with previous convictions under the Act should have these quashed.

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

I do not think it has helped at all. All I can see that has happened since this legislation has come into force, is that several of my friends have been harassed and hassled by the police going to watch a sport which they are passionate about.

Stephanie Hughes
17 August 2017