Justice Committee

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

Written submission from Stuart Muir

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 has proven to be unworkable plus laws are already in place to deal with issues covered by the 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. Breach of the peace, hate crime legislation etc covers the crimes the Act was brought in for.

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?

There is no need to treat anyone differently due to attending football matches, as said laws are already in place regarding travelling and in the stadiums etc.

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?

From memory i can't think of any cases using this part of the Act. I would assume this is due to police using existing laws like 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 the act should be scrapped immediately and any cases due to be heard should be quashed. I would also say any past convictions should be quashed due to the vague and random nature the law was upheld and due to the opinions of
lawyers, judges and police who have said the law was unworkable and at times a shambles.

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

I believe it has done nothing to tackle sectarianism and the way to tackle this is through education in homes and schools.

Stuart Muir
17 August 2017