Justice Committee

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

Written submission from Gary Stuart

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 very much support the repeal of the 2012 Act because it has done more harm than good for the Scottish football match day experience. It is not designed to tackle sectarianism as the Government claims but designed to criminalise some football supporters for what they perceive as sectarian or offensive.

2. Did you support the original legislation?

No I did not.

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?

As an ordinary citizen, my knowledge of the UK or Scottish criminal law is limited but yes, I do believe that existing legislations like the Breach of the Peace, which is practised in public events, is enough to tackle an offensive behaviour that could lead to abusive, aggressive or violent behaviour at football matches.

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?

The 2012 Act was designed to deliberately single out some Scottish football supporters, many of whom are young working class men, to criminalise them for certain displays and songs on match days that in any other circumstances would not be considered criminal, sectarian or even offensive. Whether these displays/songs should be allowed at matches or not is another argument for another day. I just do not believe that it should lead to arresting or jailing football supporters. It is a waste of time compared to the more serious crimes (physical harm, rape, murder etc). The Act has caused nothing but bitterness and distrust between supporters and Police officers on match days.

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?

In response to the first question, please refer to Q3.
In response to the last question in Q5, it is my understanding that section 6 has seldom been used since the enactment and also, the police and prosecutors have used other legislations regularly when looking at these cases.

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 2012 Act should be repealed immediately without any transitional arrangements. Any on-going cases that have yet to be concluded should be dropped.

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

The 2012 Act has not helped assist in tackling sectarianism and I do not think the repeal will send out the wrong message as some people argue. The views of football supporters need to be heard and they are just as valid as the views of the police and of the politicians.

Gary Stuart
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