Justice Committee

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

Written submission from Andrew McLeod

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 done nothing but create growing tensions between the police and football fans whilst creating ambiguity in the law dragging people through the courts who otherwise (if they were not a football supporter) would never be near a court of law for their life.

I personally was arrested over 5 years ago having never been as much as spoke to in my life by the police before - the police came to my door at 6am on a Friday morning for singing a song the weekend before, I nearly lost my job and the stress and fear this caused my family mainly my parents cannot be explained in words , my case was dropped before it seen court but only months later other people were being arrested for the same apparent crime - this proves the ambiguity the law creates and judges have said as much how can a case be not guilty for one , but able to continue and harass others for the same song be an acceptable way to treat people?

I now go to the football with fear as there is clear uncertainty on what will cause the police to take offence and the push seems to be on harassment and numbers rather than successful charges.

2. Did you support the original legislation?

No, and all my fears have been founded and more.

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 - if the existing law is good enough for "normal" citizens it should be sufficient for football supporters, disorder at concerts / rugby other public events is policed under existing breach of the peace laws. There is already existing laws in place to target hate crime and sectarianism which should be utilised and not create confusion on what is and isn't "offensive" the law should never be guesswork.

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?

Everyone should be equal regardless of sport of what event they are attending , laws in targeting football supporters are discriminatory a crime should be a crime - and not just a crime if it's surrounding a game of football!
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?

As far as I'm aware this part of the law has not been used by prosecutors and there is existing laws in place they tend to charge people under.

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?

With immediate effect, all pending charges should be dropped and existing laws used to arrest people where hate crimes (sectarianism etc) have been committed - the law is flawed and people's lives should not be affected due to this.

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

Sectarianism is a problem in society not just in Scottish football as seems to be portrayed. This Act was never set up to tackle sectarianism and instead focused on "offensiveness". Money would be better spent elsewhere on education and community work to tackle the problem at the root instead of creating reactionary laws for political gain - address the real problems.

Andrew McLeod
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