Justice Committee

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

Written submission from John Odonnell

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.

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. Existing laws already in place was fine.

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 have a view treating football fans any differently from anyone else is laughable

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?

Section 6 has hardly been used in the whole period since it was enacted and police and prosecutors regularly use other legislation eg 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I believe that the law should be repealed immediately, as the longer it goes on the more lives will be ruined. As a football fan myself, I worry that I may be targeted unfairly by the police in the way that many of my friends have been, and therefore would prefer that it was consigned to history as soon as possible. I am sick of being treated like a criminal because of the pastime I enjoy.
If the Scottish Parliament deems the law to be unjust and votes for its repeal, I also believe that it would be right to quash any and all previous convictions reached under this illiberal act.

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

I do not believe that it has helped to tackle sectarianism at all. Given that existing law already made such behaviour criminal and that this law has offered no additional protection in this regard, it stands to reason that it has not helped to tackle such behaviour.

John Odonnell
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