Justice Committee

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

Written submission from Ryan Gallagher

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. This is a dreadful and unnecessary piece of legislation that is discriminatory towards footballing fans and them alone. The legislation in itself was rushed, unjust and simply nonsensical causing needless tensions between law abiding, working class football fans and the constabularies.

The blatant over-policing at football matches; their behaviour in taking video footage of ordinary civilians for no adequate reason other than they could commit a crime; the resources committed to this act by the Scottish government; the efforts to hoard as many cases as possible to make it look viable; the disruption caused by dragging young non-criminals through the judiciary system - all proves this act is ill fated and is nothing more than the hallmark of a police state.

2. Did you support the original legislation?

No. There is already existing provisions in place that tackle the issues that the bill proclaims.

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 there is clearly ample legislation already in place. These include; Breach of the Peace; Section 74 of the Criminal Justice (Scotland) Act 2003 which main objective is to tackle sectarianism and religious prejudice. Additionally, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 is sufficient enough in dealing with football related issues for example; offences aggravated by prejudice of sexual orientation, race, and religion.

All of the above proves that there is adequate and sufficient legislation already in place to deal with footballing issues. The repeal of the bill would therefore leave no gaps or threats in dealing with infringements 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?

It is a disgrace. Football supporters should not be discriminated against because they simply like a certain sport. There are no other existing laws that victimize any other sport so why football? This act alone makes you a criminal if you go or travel to football games. It is unneeded, unnecessary and completely shambolic.
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?

Firstly, section 6 has been rarely practiced since it was enacted. Secondly, there are already laws that can deal with antisocial behaviour if or when it occurs. If songs of an offensive nature, whether this is be sectarian or racist, are sung, existing laws such as Section 38 of the Criminal Justice and Licensing Act (Scotland), already allow for prosecution.

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 Act should be terminated with immediate effect and all outstanding charges or penalties abolished.

The police in my opinion should apply their eagerness to incarcerate real criminals that commit real offences, rather than target innocent young non-criminals.

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

I do not think this act has helped in eradicating sectarianism whatsoever. Instead I feel that this act has worsened situations and added fuel to the fire. Rather than enforcing this act, the government and constabularies should have focused more on improving existing laws – and educating society in ways to reduce sectarian behaviour. However, this Act has created more hostility, more anger and more distrust between working class football fans and the police force – after all, their sole function is to serve society and not falsely or unjustly criminalise them.

Ryan Gallagher
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