Justice Committee

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

Written submission from Umar Fredericks

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

I agree with proposal in the Bill that the 2012 Act should be repealed. This is firstly down to this act being a distraction from more serious criminal issues and at a time of budget cuts I feel that resources could be better invested in other areas of community building and policing than this legislation. Next this Act has dragged many people through the courts yet found not guilty. Again this seems a waste of resources for the court system. Thirdly, I am concerned personally that I would get in trouble with the law because of the ambiguity of this piece of legislation. The fact that the offended party in many of these cases have been the police officers seems to create a contrived situation where people are being arrested simply to increase arrest numbers. The legislation does not clarify what is offensive and as a proponent of freedom of expression I feel that people should have the right to express themselves. Previous legislation on race and equality protected people and prosecuted those who had committed a crime. This present Act is too ambiguous and puts me off personally going to a football match as a professional with a young family.

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 I feel that existing provision of criminal law are sufficient to prosecute offensive behaviour. For example common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 all cover the various offenses potential at football. Racially aggravated harassment (section 50A(1)(a) of the Criminal Law (Consolidation)(Scotland) Act 1995). Racially aggravated behaviour (section 50A(1)(b) of the Criminal Law (Consolidation)(Scotland) Act 1995) and Incitement to racial hatred (sections 18-23 of the Public Order Act 1986) also further cover any racial offensive that may occur at football. Presently there is more than enough under existing provisions to prosecute offensive behaviour.

4. Do you have a view on the focus of section 1 of the 2012 Act, which criminalises behaviour surrounding watching, attending or traveling to or from football matches, which may not be criminalised in other settings?
I feel that this piece of legislation unfairly criminalizes football fans and should not apply. Football is like any gathering of large groups of people and it seems unfair that people at a music concert or rugby game are treated differently.

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 that police and prosecutors regularly use other legislation eg Communications Act, 2003 in order to prosecute threats as described. This would indicate that this section 6 should also be repealed.

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 cease with immediate effect and cases that are not concluded should be dropped immediately to prevent further waste of police and court resources. Previous convictions should also quashed as this would be based on the fact that the law only applies to football fans and should never have been enacted in the first place.

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

Sectarian parades have continued unchanged since the 2012 Act was introduced which would indicate that the Act has done very little if anything to tackle sectarianism in Scottish society.

Umar Fredericks
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