Justice Committee

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

Written submission from Stephen Hetherston

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. Football fans are getting treated like hardened criminals. All we like to do is go and enjoy ourselves at the football without fear of getting our doors kicked in, in the middle of the night.

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. All other laws e.g. breach of the peace & common laws are acceptable punishment if caught doing anything illegal.

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 think it’s a joke that you have the police coming on supporters’ buses and taking unopened drink from the coaches, yet if you were going to a pop concert this would not happen.

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 e.g. 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?

With immediate effect. I also think all convictions should be quashed as I feel the Act is a farce.
7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

I don't think it has assisted at all. I think that the police and the media are trying their hardest to highlight sectarianism as being at an all-time high when in fact I think it's a dying breed.

Stephen Hetherston
18 August 2017