Justice Committee
Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill
Written submission from Tony Rodgers

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, and my reasons are the unnecessary criminalisation of football fans and the obvious flaws in the Act, which in my opinion was not needed as there were already sufficient laws in place.

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 think there are laws in place to deal with incidents that may arise, breach of peace, disorder etc, and in my opinion these acts are already sufficient.

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?

No I think it’s is unfair that football fans are being subjected to such attention when it doesn’t happen at other sporting events or music concerts etc.

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far as I’m aware Section 6 has rarely been used since it came into place so it’s unlikely it will leave a loop hole if repealed. In some cases that I am aware of people have been arrested or prosecuted under different acts for incidents that took place at a football match, the communications act for example

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 think this bill has been flawed from the start and should cease immediately. I also think pending court cases and previous convictions under this law should be dropped
because in my opinion a bill that deals specifically with football fans should never have been introduced in the first place

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

I don’t think it’s helped at all. If anything it’s become worse and also raised tensions between supporters and authorities.

For me it’s made going to football a task rather than something to enjoy due to the heavy police presence both at the match and indeed traveling to matches which can be very intimidating sometimes.

Tony Rodgers
18 August 2017