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 I agree with the proposal in the Bill to repeal the 2012 Act. My reasons for coming to this view is the 2012 Act is unfair and a poor piece of legislation that damages the liberal democracy that the modern, vibrant nation of Scotland is.

2. Did you support the original legislation?

No. The original legislation was a poorly drafted knee-jerk to tabloid headlines around a single football match. It should be remembered that the match in question did not lead to any notable disorder off the pitch. The match was a fiery encounter on the pitch which led to three red cards and both managers had a touch line argument. Why this should lead to draconian legislation aimed at fans has always baffled me.

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 consider that existing provisions of criminal law are sufficient to prosecute offensive behaviour related to football leading to public disorder. The current criminal law can rely upon the common law offence of Breach of the Peace. This covers people acting in a riotous or disorderly manner which alarms or annoys other people. While it may not cover all behaviours currently criminalised under the 2012 Act, it covers what I feel should be criminal offences.

In addition many of Scotland’s problems relate to alcohol and its inappropriate use, so the provisions of The Criminal Law (Consolidation) (Scotland) Act 1995 can also be useful in preventing, and where necessary, prosecuting behaviour related to football which may lead to public disorder. I would also hope that The Alcohol (Minimum Pricing) (Scotland) Act 2012 would also come into effect.

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?

Yes, this is draconian and an affront to ‘natural’ justice. It is perfectly reasonable to use the law to control public order by banning certain activities in certain places, e.g. the consumption of alcohol in certain public places at certain times. It is wholly iniquitous to criminalise certain behaviours while travelling, watching or attending football matches but not in other settings. If my behaviour on the 62 driving along the Gallowgate at 14:30 on a Saturday is so outrageous to be criminal, then it must also be criminal at 11:45 on a Monday morning.
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?

Yes, section 74 of the Criminal Justice (Scotland) 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 agree with proposed transitional arrangements.

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

None at all. In fact I think it has had a negative effect with the choice of chants and song books worse now than in 2010.

Alan Reid
18 August 2017