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

Written submission from Sam Elliott

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.

The bill has criminalized many innocent football fans.

The bill has increased police presence to the point where any fan is being looked upon as a criminal.

The bill has encouraged police to act hastily and unnecessarily towards fans.

The bill has simply accomplished or achieved what it was promised to do.

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 the current legislation is 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 feel football fans should not have laws specific to them, I feel the difference between right and wrong from football fans and non-football fans should be consistent throughout, I find the notion that you can be criminalised at the football for things which may not be criminalised in other settings ridiculous.

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?

I would argue that the 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.
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 agree and believe that cases that are not concluded should be dropped, I also believe that previous convictions should be quashed. This would be based on the fact that the law that only applies to football fans should never have been enacted in the first place or any version of that argument.

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

The act has had next to no effect on sectarianism in football.

Sam Elliott
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