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

100%. The Act is illiberal, and extremely poorly drafted. It discriminates against football fans by pertaining to make behaviour illegal that is not illegal in any other setting. Offensiveness is subjective, and therefore everything and nothing is offensive at the same time. The Act has created a deep mistrust between football fans and the police, and has led to unnecessary harassment of people attending football matches.

Disorder in football grounds is minimal, I have been attending football matches in Scotland for over 20 years and can count on one hand the number of times I have witnessed significant disorder. In fact, in the years leading up to the Acts introduction, the largest number of arrests inside a football stadium did not take place at a football match, but at a concert.

2. Did you support the original legislation?

No, I attended several demonstrations protesting against the original legislation.

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?

There has always been existing legislation to deal with criminal behaviour, which is actually minimal at football matches. There are laws in place to deal with racist or sectarian abuse, as well as general breach of the peace.

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?

Discriminating against people because of the sport they follow is a disgrace. Criminal behaviour is criminal behaviour, and conversely behaviour that is not considered to be criminal in any other setting should not be illegal at football matches.

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. There were existing laws in place that covered all aspects of this Act.

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 fully with these transitional arrangements. I would also add that anyone pending trial on the date the bill is passed should have their charges dropped.

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

The word sectarian does not appear in the Act, so it has done virtually nothing to tackle this.

If the Scottish Government is serious about tackling sectarianism, then perhaps they should start by looking at why many businesses have to close at the beginning of July as the Orange Order peddle hate through the streets of Scotland.

Paul Mackin
18 August 2017