Justice Committee

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

Written submission from Maria Tierney

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 do. I believe this Law is unmeasured, unjust and a violation of the freedom of speech. I fear for my friends, family and partner whenever they attend a football match because I have heard of police arresting people because they have joined in on a song or chant and consequently are put through the emotional and mental turmoil of court and dealings with lawyers for such a trivial matter. It is at the utmost importance that is law should be repealed, an opinion similar to every political party outwith the SNP.

2. Did you support the original legislation?

No, I do not. It is a waste of police efforts and government money and has only increased tension within the football community.

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 do. Laws should not separate a normal citizen from a football supporter, which is what the Act does. Laws that tackle breaches of peace are employed and enacted at all police events, out with football events. There has to be a clear law that protects all of these events, not a law that applies to an event in particular stadiums and not events elsewhere.

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?

It is unjust and completely prejudiced to single out football in the Act. A real concern over the controlling and policing of sectarianism would have seen an Act enforced across the board of all events, sporting and otherwise, in Scotland.

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 of the legislation is unnecessary, proven by the lack of its utilisation.
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?

The transition should be immediate, with all pending charges dropped.

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

Sectarianism stems further than football. We need to be putting the time and money wasted on this Act into educating the future of Scotland about sectarianism and discouraging the future of all sporting fans in Scotland from having sectarian views.

Maria Tierney
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