Justice Committee

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

Written submission from Rebecca Hughes

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, as it is a poor piece of legislation that unfairly criminalises football fans for behaviour that is considered legal elsewhere.

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, such as Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 and 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?

No I don't believe there should be laws that solely affect football fans, especially given how damaging these charges can be.

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 has hardly been used in the period since it was enacted and 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?

The Act should cease to be used against football fans with immediate effect, any ongoing cases should be dropped and previous convictions quashed.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
I don't think the Act has done anything to tackle sectarianism.

Rebecca Hughes
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