Justice Committee

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

Written submission from Anas Sarwar MSP

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 fully agree to the proposals.

I believe that the current legislation will criminalise young people, many of whom would never be in court if it were not for the Act. This could no doubt affect their employment and studies. The Act also targets football fans while fans of other sports would not be charged for doing similar actions. Sheriffs have made it clear that it is badly drafted. With this, stats have shown that there is a very low conviction rate - the legislation it was meant to improve on.

2. **Did you support the original legislation?**

I am fully against.

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?**

Breach of the Peace for example is already legislation in place to deal with public disorder at football.

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?**

Section 1 of the act in my opinion clear unfairly targets football fans.

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?**

There are already provisions that are sufficient under the Licensing (Scotland) Act 2010, Breach of the Peace, the Communications Act 2003 and section 38 of the Criminal Justice

There will be no gap in the law with the repeal of the section 6.
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?

My view is that all cases should fall and no further charges brought.

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

The Act has failed to tackle sectarianism and has only caused distrust between police and football fans. School education for example is needed to help combat sectarianism in our streets.

Anas Sarwar MSP
Glasgow Region