Justice Committee

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

Written submission from P Greene

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.

No section of society should be discriminated against using legislation.

There is adequate legislation to deal with offences happening at the moment without using this act.

This act implies that I, as a football fan, should be treated differently from other members of society. This is plainly nonsense.

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, there is other legislation that can be used to deal with offences and those laws exist for all members of society.

Examples

Breach of the Peace
Section 74 of the Criminal Justice (Scotland) Act 2003,
Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010

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?

Yes.

This act implies that I, as a football fan, should be treated differently from other members of society. This is plainly nonsense.

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 are 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.

Section 6 has hardly been used in the whole 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?

I agree completely with the proposed transitional arrangements.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
None if anything it has added tension and a feeling of injustice to the football fans that I have talked to.

P Greene
18 August 2017