Justice Committee

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

Written submission from Conor Devine

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 a law student I understand the importance of clear and concise legislation - the Act is neither of these.

The intimidation that Scottish football fans endure is unprecedented in any other country. Unfortunately, this leads to contempt and hatred towards the legislature. I personally do not have faith in the legislature due to this draconian statute, I feel as if it targets me for my age and the sport I chose to follow.

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?

Studying criminal law, it is evident that there are other provisions that tackle offensive behaviour at football grounds. Precedent cases have been set with respect to s74 Criminal Justice (Scotland) Act 2003 and s38 of Criminal Justice and Licensing (Scotland) Act 2010. For this reason alone, the act should be repealed. Statute is already in place that covers public disorder.

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 incredibly unfair and highly prejudicial to target football fans. I have yet to hear a reason why certain behaviour in a football ground would be deemed criminal, whereas the exact same behaviour in a rugby ground is lawful.

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, I believe the existing provisions are sufficient as stated out in the 3rd question.
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 would hope the Act would cease to exist with immediate effect. With respect to those who have been convicted under the Act, I think convictions should be looked at on a case by case basis. For those who have been prosecuted under the Act however did not incite public disorder nor cause people fear or alarm or incite religious hatred, their convictions should be quashed and removed from their criminal record.

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

I personally do not believe the Act has been effective in tackling sectarianism. Furthermore, I do not feel the SNP know the difference between sectarianism and culture/heritage.

Conor Devine
18 August 2017