Justice Committee

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

Written submission from Nicholas White

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 I believe fans are being unfairly targeted, particularly Celtic fans. I have witnessed fans as young as 18 being arrested for songs which are not sectarian. The act gives the police the opportunity to criminalise young men for no good reason. The police take the law into their own hands as there are no specific guidelines on how people can be arrested for under this offence. It effectively leaves police with the power to arrest people based on their own prejudices and opinions rather than the law of the land.

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, common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010; The existing legislation is more than enough to cover any offences committed at a football ground.

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 particularly the consumption of alcohol travelling to and from football matches. This is discriminatory towards football fans as it is the only sport that this law applies to. I have witnessed rugby fans on trains getting absolutely hammered, fighting, urinating and behaving inappropriately on trains and buses. You can also consume alcohol on any train between 10am and 10pm AS LONG AS YOU'RE NOT TRAVELLING TO A FOOTBALL MATCH. This law is joke considering how much money the government makes from football fans. If this law is to be kept in place it must apply to every person in the land.

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 whole period since it was enacted.

Police and prosecutors regularly use other legislation like the 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 believe this law should never have been enacted in the first place as it only applies to football fans. I believe all previous convictions should be quashed. Any ongoing cases should be ceased.

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

Absolutely none whatsoever. It is preposterous that the government would think this act would help tackle sectarianism when they allow Orange Order marches to continue every year in Scotland. These marches celebrate the killing of Catholics at the Battle of the Boyne and other conflicts. It is as obvious as the nose on your face that these marches fuel sectarianism.

Nicholas White
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