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. This legislation since its introduction, has been nothing short of a disaster. It has seen an introduction of stricter security measures at Scottish football matches, to the detriment of the relationship between match-going, football fans and the police. Although this legislation is only applicable within a football setting, the effects of it are not and this damaged relationship between football fans and police carries into wider society and reduces public confidence in the police.

Furthermore this legislation was, according to its designers, an attempt to tackle sectarianism. Sectarianism in Scotland is societal issue and is not restricted to football, yet this law is restricted to football.

The law covers more than just sectarianism and it can lead to prosecution if a person uses ‘offensive’ language. This term is very ambiguous and what constitutes ‘offensive’ is at the discretion of each individual police officer. This means that behaviour deemed as appropriate by one police officer might not be of the same standard considered by other officers leading to an inconsistency in the implementation of this law and leaving fans unsure of the standard of behaviour which is acceptable. Furthermore, the behaviour deemed by a police officer as offensive, does not even need to have offended anyone for an individual to be charged; it is solely based on the judgement of each individual police officer as behaviour which possibly could offend a person.

This has made this legislation difficult for our authorities to work with which has resulted in many charges under the act going unprosecuted after lengthy drawn out court cases, which have been disruptive to the lives of those involved.

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. Existing legislation equipped the police effectively enough to ensure a safe environment for all attending. In terms of sectarianism (the supposed target of this legislation) Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, is sufficient enough to tackle any such issue at a football match, similarly to
how they would be used to tackle sectarianism in any other societal setting. I do not believe this leaves any gap in criminal law as stated earlier.

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?

I think that it is ridiculous to have a law which only applies to people whilst carrying out one particular activity. This is a situation where any person could communicate verbally in a certain way one fear of prosecution in any social setting except that of a football match. Furthermore I think that this endangers Scottish football as having a law to exclusively tackle creates a negative stereotype of football fans and attaches a stigma that they have to be treated differently from all other groups within society. This may discourage people from attending football matches if they do not want to be branded with this stigma or, due to ignorance, believe the stereotype to be accurate.

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. Existing legislation such as the communications act of 2003, already dealt with this sufficiently. Section 6 of the act has not been used nearly as frequently, with police relying on Section 1 for most charges. As such I do not think that by repealing this law, any gap will be left by repealing this act.

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 the act should be abolished with immediate effect. Due to the nature of this act and how it is obviously a very badly designed legislation, I feel it would be unfair to proceed with any cases at this time which are still outstanding. Similarly, all previous convictions under the act should be removed.

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

I do not believe that this act has done anything to tackle sectarianism. Sectarianism is a wider societal problem in Scotland and has been historically. Admittedly, it has existed in a football setting previously, but it is not exclusive to this area. As stated already, existing legislation already existed for this and the 2012 act has done nothing to further reduce this problem.

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18 August 2017