Justice Committee

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

Written submission from Martin Walsh

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 have been charged with the bill for singing a song at football. A song that the majority of accused were actually found not guilty of, in some cases there has been more evidence than in mine, these people were found not guilty and I was convicted. It put enormous strain on my work life as I nearly lost my job and caused a great deal of stress in my personal life. I am still deeply disappointed with what I feel is an unfair conviction and it still affects me now, if I was to apply for a job or visa for certain countries. The inconsistencies in each case are astounding. There is no other option but to repeal this meaningless and ineffective bill.

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, the original legislation is already in place to cover these issues. Section 6 has barely been used since it was included and the number of people being taken to trial has been a disgrace, with the outcome relying solely on the judge present, there is zero consistency across the charges for the same songs.

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 crazy to suggest someone at the football can be convicted, but someone acting in the same way in the street does not face charges. It is discrimination against a certain section of society.

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?

As stated before, section 6 has hardly been used. Other acts have been more frequently used e.g. Communications 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?

All existing cases should be dropped with immediate effect, as should all existing convictions. The act should never have been created to target football fans and is highly unfair, that is not even up for debate.

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

The act has had no contribution to tackling sectarianism whatsoever. It has been a total waste of resources and has had a detrimental effect on hundreds of lives, by encouraging police to charge and arrest with no real need.

Martin Walsh
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