Justice Committee

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

Written submission from Kevin Finlay

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 do.

I believe that ordinary fans are being caught up for simple things like exuberance, the Act is being used to criminalise stand up people and has caused a lot of problems for fan by being applied in the wrong way. The recent investigation into the 2016 Scottish Cup Final was and still is a farce - again a police record for celebrating!

I myself was one of these people my house surrounded by police at 7.30 one Thursday morning including standing in my back garden. The indignity of all my neighbours watching. I appeared in court on three occasions missing work each day, costs in petrol and parking to Glasgow. It affected my health as my job within the community was been under threat. I also did not stand for our local community council which I had been a member for five years due to the charge hanging over me. I got to the stage where I almost pled because the stress of being on bail for nine months even though innocent. I’m glad I listened to my lawyer and didn’t as the case had a line put through it as the Crown agreed I had done nothing more than dance. All this and no conviction, but still lawyers’ fees totalling £720 which I was lucky enough to be help with this cost but I have no doubt I would not be the only one in this situation.

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.

I believe the laws present pre- Act were suffice and deal with any problems that arose at football i.e. breach of the peace. I think the laws in place more than cover any issues at games.

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 don’t think there is any need for these additional laws for football. Is the next one concerts or festivals where does it stop

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?

I believe personally from reading that section six has barely been used in the time since its inception. The police and crown office use other legislation at their disposal.

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 think the act has been both unsuccessful and ineffective in what it was intended and should no longer be used against fans of football.

I would like to see any conviction and or football banning order disposed of by way of quashing.

Any cases pending should cease to be pursued in court and dropped. Again this is an Act against only football fans and really should not have been put in action in the first place.

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

I think in no way at all in fact I think it is worse. We can listen and watch fans of certain teams get away with what this act is about yet someone celebrating is hauled before the courts. It’s a joke and stats show this.

I feel at times Police realise this act can be used for the slightest thing and they use this to their advantage which is intimidating to say the least.

Kevin Finlay
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