Justice Committee

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

Written submission from Liam Young

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 feel it is a pointless act which serves no purpose as there are already a number of laws in place if a crime has been committed.

In the past, I was charged with an offence under the Act, only to be found not guilty in court with a lack of evidence. This can be damaging to careers and relationships.

There is also a lot of confusion outwith regular football police what the Act actually covers.

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, there are a number of laws that have been in place and worked well over the years which are all relevant to football:

- Breach of the Peace
- Sec 74 of the Criminal Justice Act
- Sec 38 of the Criminal Justice Act
- Licensing Scotland Act

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 it is very contradictory, a crime should be a crime no matter what the setting, if it’s not a crime at Rugby, Basketball etc then it shouldn’t be a crime within football.

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 due to using other legislation already in place, 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?

The act should be ceased with immediate effect, I also think all on-going cases should be dropped and previous convictions should be quashed as the law should never have been enacted in the first place.

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

I don’t think it has tackled sectarianism at all.

Liam Young
18 August 2017