Justice Committee

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

Written submission from Tom Minogue

1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?

I consider the fact that Scotland is the only country in the world to have a law specifically aimed at punishing participants at events of one particular sport to be laughable and shameful in that it stigmatises football supporters.

2. Did you support the original legislation?

No I objected to it with a submission which is numbered 0B8.

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?

I do believe that there are sufficient laws to prosecute offensive behaviour relating to football matches but believe that those laws such as breach of the peace with racial/religious aggravation have been ignored or underutilised in the past.

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 makes an ass of the law whereby a man or woman travelling to, or watching a rugby match while acting in an offensive or criminal manner under the terms of the Act would not be committing a crime.

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?

The laws of the land have proven to be sufficient up until the police in the person of Stephen House decided they wanted more powers. It is dangerous to introduce legislation because any group wants it and especially when the police want it because if the laws are introduced then the police have a vested interest in showing that they were needed even when that is not the case. The most disgusting police actions I have seen in my life have revolved around the heavy handed and offensive filming, harassment and “kettling” of peaceful fans in pursuit of crime statistics to show the Act is working.
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?

Scrap it and stop the convictions from the day parliament votes against it.

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

I believe that the problem of sectarianism has deeper roots than football matches which are merely platforms at which are aired the ills of society and not the causes. The causes of sectarianism are complex and historical but are more likely to be fostered in the home. At the Bill stage we were told the Act was not intended to deal with sectarianism but rather to deal with offensive behaviour which no one could define at the time (including Kenny MacAskill on Newsnight) and it was up to the individual police officer to determine what was offensive.

Tom Minogue
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