Justice Committee

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

Written submission from Paul Queen

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 that it was rushed into existence. I believe it has harmed the reputation of Police Scotland and the justice system in Scotland in general.

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, my understanding is that provisions under Breach of the Peace, the Communications Act 2003 and section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 to prosecute threats like these, therefore I do not believe there is a risk of a gap in the law.

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?

Absolutely not. Football fans should not be subject to certain laws under which other members of the public would not be subjected to.

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, my understanding is that provisions under Breach of the Peace, the Communications Act 2003 and section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 to prosecute threats like these, therefore I do not believe there is a risk of a gap in the law.

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?
It should cease immediately. Should it be repealed then convictions made under the legislation should be reviewed and if not captured by other legislation the convictions should be set aside.

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

I do not believe it be effective, active policing using previously existing legislation would have more impact.

Paul Queen
18 August 2017