Justice Committee

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

Written submission from Connor Gallagher

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. The act does more harm than good. Countless people have been dragged through court for months to get away with a not guilty in most cases. Since its introduction, I have found myself worrying about the slightest thing inside the ground as most often than not I have a camera yards from my face with other cameras also recording from afar.

2. Did you support the original legislation?

   100% not.

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. Breach of the peace can deal with the majority of criminal behaviour from football fans. Section 74 of the Criminal Justice Act can deal with any sectarian related offences. Section 38 of the Criminal Justice and Licensing Act can deal with anyone who is behaving in an abusive or threatening manner. These 3 alone are and where sufficient enough to police football fans in Scotland.

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 absolutely farcical. Behaviour at football matches is not any different to behaviour at any other sporting events or concerts and music festivals. If a football fan sings a song on the way to or in the ground he could be arrested, if they sing the same song at Rugby match or outside the ground nothing will happen. Scotland's whole attitude towards football fans has to change. They are treated like criminals from the minute they step onto a bus/train or even into a pub. Then they are filmed the whole time they are in the ground. To then be treated like cattle after the game. If any of that was to happen anywhere outwith football there would uproar.

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 since the act was introduced. Police Scotland and the prosecutors regularly use the 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 stopped being used against football fans straight away. I agree that any ongoing cases should be dropped with immediate effect and would also suggest that any previous convictions should be overturned, sadly for most people the damage has already been done. Countless jobs and relationships have already been lost. All down to the fact that an Act that only applies to football fans shouldn’t have been introduced in the 1st place.

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

The act has in no way shape or form assisted in tackling sectarianism i would argue it has made it worse. The act has only given the power to Police Scotland to actively harass football fans up and down the country, resulting in more distrust and disrespect towards them. The act was brought into to place as a knee jerk reaction after the behaviour of managers and players in a football match, the sooner it is repealed the better.

Connor Gallagher
18 August 2017