Justice Committee

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

Written submission from Luke Frissung

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 legislation is completely flawed and politically motivated. This is all well documented and the case has been set out by Fans Against Criminalisation and others since its inception. In short it serves no purpose in a civilised society. Criminalising football fans (and only football fans) for anything other than behaviours which were already outlawed prior to the introduction of the legislation is anti-democratic, discriminatory and has the hallmarks of a police state.

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?

The existing provisions would appear to be sufficient—there is no gap in the criminal law. It’s hard to see what the Act achieved other than criminalising primarily young football fans for no apparent reason, needlessly ruining lives in the process. Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010, as well as Breach of the Peace can be used for the purposes that the Government claim is the motivation behind the 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?

It is quite clearly discriminatory to single out football fans. The same level of focus has not been levelled at Orange and associated marches. However, as outlined above, the law is deeply flawed beyond the fact it just relates to a particular section of society.

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?

This section is rarely used. The Communications Act 2003 is already in place and used more widely.
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?

All cases should be dropped with immediate effect and any previous convictions quashed, with potential compensation depending on the circumstances, given that the law should never have been passed in the first place. Policing of football should be completely re-thought, with engagement with fans groups and clubs in order to achieve a level commensurate with actual risk / problems.

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

I do not believe the 2012 Act has done anything to tackle sectarianism - if that was even genuinely its purpose in the first place. The focus exclusively on football has actually had a negative impact in this respect. Anti-Catholic marches are the norm in Scotland (more-so even than in the North of Ireland), yet the Government chose to portray the sectarian problem as being about 2 football teams, based on a knee-jerk reaction to a particular game. It should also be noted that one of those involved in the touchline ‘fracas’ at that game had received death threats, bullets through the mail and parcel bombs due to where he was from and what religion he was - none of which has been adequately dealt with by the government or media in Scotland. He was not the only person or organisation to suffer in these threats - the others had either no or little connection to football.

Luke Frissung
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