Justice Committee

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

Written submission from Ciaran 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. This ill thought out and rushed through legislation has ruined lives. Making football fans' partners/parents scared that they will receive a knock at the door from the police or their door put in by the police simply because their partner/son or daughter attend football matches. The act has created a divide between police Scotland and football fans due to their harassment of fans simply supporting their team.

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. One example would be breach of the peace. This would adequately cover the majority of behaviour that people are arrested under the act for.

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 preposterous that people be treated differently and are scrutinised differently by the police due to the fact they attend football matches and this should not be the case. Everyone should be treated the same way and governed by the law in the same way.

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?

There are existing laws there to deal with what the act was brought in for. The act simply targets football fans and football fans only. The law should be the same law for everyone and not altered to target a specific group.

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?

I believe the act should be repealed in full immediately, with all current cases dropped and past convictions removed from the records of those affected.

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

I don't believe it has. It has only succeeded in targeting a group in society and treating them differently from anyone else simply because they attend football matches.

Ciaran Gallagher
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