Justice Committee

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

Written submission from Tony Cassidy

1. Do you agree with the proposal in the Bill to repeal the 2012 Act?

Yes.

What are your reasons for coming to this view?

The Act is a disgrace! Celtic fans, and fans of all clubs, are being persecuted and left with criminal records for the most basic of actions - shouting in disagreement, singing songs no worse than Scottish national anthem, wearing protest t-shirts etc etc, all nonsense! Police should be out catching criminals, like cheating bankers and cheating business leaders, instead of harassing young boys and girls.

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?

Yes.

If so, could you specify the criminal law provisions? Or does repeal of section 1 risk creating a gap in the criminal law?

Common law Breach of the Peace, Section 74 of the Criminal Justice (Scotland) Act 2003, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. Existing legislation is sufficient to cover issues at football.

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?

No need for any additional laws specifically for football.

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?

No.
Section 6 has hardly been used in the whole period since it was enacted. Police and prosecutors regularly use other legislation eg 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 cease to be used against football fans with immediate effect. Cases that are not concluded should be dropped immediately. Previous convictions should be quashed.

The law that only applies to football fans should never have been enacted in the first place or any version of that argument.

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

In no way whatsoever! In fact, it has caused an increase in sectarianism.

All of this originated because Celtic had the tenacity to defeat Rangers in the Scottish Cup and Kenny MacAskill had to be seen to be doing something.

There is no need for any police at a football match and no need for any Police horses at a football match - ridiculous!

Tony Cassidy
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