Justice Committee

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

Written submission from Chris Keeney

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 is an undemocratic piece of legislation that was railroaded through parliament by the SNP even after huge opposition from opposition MSPs, professors, lawyers and fan groups.

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. There is plenty of legislation in place to deal with disorder at a football game the same way as there is in public, eg 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. The law in place is more than enough to deal with offensive behaviour and disorder.

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?

Football fans should not be discriminated against for being football fans.

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. Since the act was introduced section 6 has barely been used. In many cases prosecutors has used the Communications Act.

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 think the act should be dropped with immediate effect and that all ongoing cases should be dropped. I also believe that any previous convictions should be removed. Well behaved members of society who would have never had been in bother with the police shouldn't have a conviction against their name under a legislation that doesn't exist and only victimised against football fans.

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

The act has done nothing in tackling sectarianism. It's has given the police a carte Blanche to arrest football supporters. Police officers who are set arrest targets to hit can very easily arrest someone under this act with very little to sometimes no evidence. Scotland cannot arrest its way out of sectarianism. The anti-sectarianism laws which were already in place are more than enough to deal with any sectarian behaviour. The act doesn't stop sectarianism all it is a piece of legislation that compromises the principle of free speech.

Christopher Keeney
18 August 2017