Justice Committee

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

Written submission from Matthew Carlin

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. It simply incriminates and negatively affects football fans. A specific legislation which has been created for people who attend football matches is outrageous.

I have directly been affected by this legislation as a football fan who attends football matches throughout Scotland. My family have become increasingly worried for my safety due to the increased police presence and the sheer unclear legislation that is in place, that could cause me to be arrested. If I was not to be arrested at a football match the fear of Police coming directly to my home simply for singing a song or waving a flag that some people 'may' find offensive has caused tension and negative emotions within my household, not only with my parents but younger siblings and elderly family members who remain in fear - this is quite clearly not something that helps their physical or mental health.

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 are already many different variations of legislation's already in place within the legal system in Scotland such as; 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's - as previously stated - should be covered and enforced for football fans.

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?

There should not be laws specifically created simply for football supporters or people attending football matches. Other laws are already in place to tackle laws being broken.

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?
Existing provisions of criminal law are already in place to prosecute threats made with the intent of causing a person or persons fear or alarm or inciting religious hatred. The Section 6 has hardly been used in the whole period since it was enacted and police and prosecutors regularly use other legislation, for example 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?

I feel the Act should cease to be used against football fans with immediate effect. I feel that all cases that have not concluded be dropped and all previous convictions should be quashed (although that is not in the draft Bill but could be inserted by amendment). This would be based on the fact that 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?

It has made very little impact in tackling sectarianism within Scottish Society. Scottish football fans have been used as a scapegoat to boost arrest figures of offensive hate crimes. The Scottish Government should be spending more time, money and effort in truly tackling a very serious and real issue within our country. Targeting and prosecuting football fans will not help nor resolve the issue.

Matthew Carlin
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