Justice Committee

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

Written submission from Robin Irvine

Having attended football matches since 1967, I can confidently say that I have witnessed and heard most forms of Offensive Behaviour i.e. violence, sectarianism, racism, homophobia, unrestrained anger. Hence I am keen to take this opportunity to comment on the proposed repeal of the above Act.

Addressing your four key questions:

1. I do not believe that the Act should be repealed without some football specific legislation being left in place. I have recently been made aware of the Football (Offences) Act 1991 which applies in England and Wales. It is a simple, six paragraph piece of legislation which covers potential offences at football matches and legal consequences for offenders. I do not believe that it would be described as "illiberal" as I do not believe in the notion that a football match is a legitimate place to "let off steam" in a way that would be otherwise unacceptable outwith the confines of the stadium. While a level of over-enthusiasm is understandable and should not be met with anything but a quiet rebuke there comes a point where certain behaviours spoil the enjoyment of the majority of those around the perpetrators. One should not feel uncomfortable or even intimidated at a match and I am satisfied that Football related legislation should be in place to cover Football related offences. If specific legislation has been in place in England and Wales for the last twenty six years with only minor textual amendments I see no reason for the complete abandonment of this Act.

2. As I have stated above I believe that there is a place in Scottish Law for legislation to cover Football specific offences.

3. Whether a single piece of legislation related to behaviour in a particular setting could be expected to make a significant dent in a complex social problem such as sectarianism is questionable but it can certainly be used to address some of the more public symptoms of the problem and promote a message that such behaviour is no longer acceptable in any setting.

4. Given that I do not agree that other legislation can appropriately cover offences currently addressed by the Act I do not agree that further convictions should cease.

The argument that somehow this Act is illiberal and victimises football supporters frankly ignores a serious problem. The Football (Offences) Act illustrates that it is possible to legislate with clarity in this area. If there are problems with the application or wording of the current Act it should be possible, given good will on all sides, to tackle football related problems by amending the current legislation to provide the clarity that will allow it to be applied appropriately and without the current, alleged controversy.

Robin Irvine
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