Justice Committee

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

Written submission from Joe Bradley

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 I support repeal. The Act does not address ethnic and religious prejudice and discrimination in Scottish society. ‘Offensive behaviour’ is highly subjective and open to an infinite range of moral and philosophical interpretations. Likewise, it is subjective as to what ‘offensive behaviours’ might entail criminal proceedings. There are few if any members of Scottish society that cannot be ‘labelled’ as offensive by other members if they so wish. Recently former Scottish Government leader was considered as having been offensive in the extreme by numerous people, as a result of some things said at the Edinburgh Festival. But should he be prosecuted? Despite his offensiveness, no I would think. We might also ask the question as to what might happen to him if he said his reported comments in a football stadium? The motivations of numerous politicians and media people to create this Act in the first place has not arose from experience, knowledge and understanding. Indeed, the opposite has frequently been the case. Sectarianism as a word and concept has become a catch-all and lazy term in Scottish society. This Act must be repealed.

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?**

There is enough legislation in existence without this absurd Act

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?**

Small groups of supporters have been the main police/law targets. Undemocratic and top-heavy surveillance and applied ignorance and prejudice have been a result of the Act’s emergence and application.

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 is enough and repeal would not create a gap as this law and its intentions are ill-thought out and applied.

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’s enforcing should be backdated to actions not yet carried out by the Law Courts.

7. **To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?**
   None at all – it has only highlighted how much society in Scotland is ignorant of its own history and social, religious, cultural and political preferences, as well as the varied and diverse range of people and communities that constitute society.

Joe Bradley
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