Justice Committee

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

Written submission from Kane Armstrong

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 was a rushed piece of legislation in the first place and is designed entirely to discriminate against football fans, no supporters of any other sports are placed under the same scrutiny. Because of this I have lost faith in Scotland’s Police Force and the wider justice system as a whole.

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. I believe laws ie Breach Of The Peace were adequate enough laws to deal with any issues that may arise inside football stadiums.

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?
I believe it to be completely unfair and discriminatory that football fans can be targeted by legislation where other members of society would not be.

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?
As I understand, Section 6 has rarely been used since it was enacted and laws are already in place that prosecutors can use like 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?
The act should cease to exist immediately, with all previous convictions quashed and all pending cases dropped.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?
I strongly believe the act has done nothing to tackle sectarianism in Scotland and that it was never the purpose of this act in the first place. It has however created tension and distrust in Scotland’s police authorities and wider Justice System that I do not think can be repaired. The issue of sectarianism needs to be tackled at grassroots level, i.e. in schools.

Kane Armstrong
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