

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

[AS INTRODUCED]

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Explanatory Notes (SP Bill 19-EN), a Financial Memorandum (SP Bill 19-FM), a Policy
Memorandum (SP Bill 19-PM) and statements on legislative competence (SP Bill 19-LC).**

Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill [AS INTRODUCED]

An Act of the Scottish Parliament to repeal the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012; and for connected purposes.

1 Repeal of the 2012 Act

The 2012 Act is repealed.

2 Offences

- (1) Despite section 17 of the Interpretation and Legislative Reform (Scotland) Act 2010, and subject to subsection (3), on or after the relevant date no person can be convicted of or found to have committed a relevant offence.
- (2) Subsection (1) applies, but is not limited, to any prosecution brought (whether before, on or after the relevant date) under section 119 or section 185 of the 1995 Act.
- (3) A person can, on or after the relevant date, be convicted of or found to have committed a relevant offence only where that conviction or finding is made—
 - (a) by an Appeal Court in disposing of an appeal against acquittal in respect of that offence, or
 - (b) by an inferior court to which such an appeal is remitted by an Appeal Court with any opinion, direction or instruction.
- (4) Subsection (3) applies to an appeal against acquittal only if the date of the acquittal in question was prior to the relevant date.

3 Transitional and saving provisions

- (1) This Act does not affect the liability of a person to a penalty for a relevant offence of which that person was convicted prior to the relevant date or is convicted in accordance with section 2(3).

- (2) Despite section 1, the 2012 Act continues to have effect for the purposes of—
- (a) imposing a penalty on a person in respect of a relevant offence of which that person was convicted prior to the relevant date or is convicted in accordance with section 2(3),
 - (b) an appeal, including the bringing or disposal of an appeal,
 - (c) a petition to the nobile officium in respect of any matter relating to a relevant offence.
- (3) Nothing in this section entitles a court to convict a person of, or find that a person committed, a relevant offence other than in accordance with section 2(3).

4 Fixed penalties

In Part 1 of the table in section 128 of the Antisocial Behaviour etc. (Scotland) Act 2004 (fixed penalty offences), the entry relating to section 1(1) of the 2012 Act is repealed.

5 Interpretation

In this Act—

“the 1995 Act” means the Criminal Procedure (Scotland) Act 1995,

“the 2012 Act” means the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012,

“Appeal Court” means the High Court or the Sheriff Appeal Court,

“High Court” has the meaning given by section 307 of the 1995 Act,

“the relevant date” means the date on which this Act comes into force,

“relevant offence” means an offence under section 1 or section 6 of the 2012 Act.

6 Commencement

This Act comes into force on the day after Royal Assent.

7 Short title

The short title of this Act is the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Act 2017.

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