

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

[AS AMENDED AT STAGE 2]

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**Amendments to the Bill since the previous version are indicated by sidelining in the right margin. Wherever possible, provisions that were in the Bill as introduced retain the original numbering.**

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

[AS AMENDED AT STAGE 2]

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The 2012 Act is repealed.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, on or after the relevant date—

(a) no person can be convicted of or found to have committed a relevant offence, and

(b) no penalty may be imposed on a person in respect of a relevant offence of which that person was convicted prior to the relevant date.

(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.

(2A) In proceedings for a relevant offence begun before, but not determined by, the relevant date the person charged in the proceedings may be convicted of a different offence if the facts proved in the proceedings amount to that different offence.

(2B) In subsection (2A), “different offence” means a statutory offence other than a relevant offence.

## **3 Transitional and saving provision**

This Act does not affect the liability of a person to a penalty imposed prior to the relevant date for a relevant offence of which that person was convicted prior to the relevant date.

**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 (Scotland) Act 2004 (fixed penalty offences), the entry relating to section 1(1) of the 2012 Act is repealed.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**

5 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,

10 “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**

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



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

Introduced by: James Kelly  
On: 21 June 2017  
Bill type: Member's Bill

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