

Justice Committee

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

Written submission from Anonymous 21

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 completely support the repeal. In my opinion the legislation has blurred the lines so much for all stakeholders (fans, football clubs, police and legal system) that no one knows what the legislation is really there for. It gives police the opportunity to disrupt the lives of ordinary football fans by creating spurious charges to assert their authority over fans. The act to me is fundamentally useless as from day one the legislation has had a reputation that it is unnecessary and unworkable, even as early as April 2013 Sheriff Richard Davidson described the legislation as “mince” and “drafted by someone who has never been to a match”. If this is the view of a member of the judiciary who is qualified in law then it says to me that the legislation was never needed especially when there is existing legislation in place to tackle racism, sectarianism, bigotry and homophobia. As a fan who has grown up going to football matches from the age of 5 right through to present as someone in the twenties it's clear to me now that supporters today have less trust and respect for the police and generally treat them with nothing more than contempt. The deterioration of this relationship has coincided with the introduction and lifespan of this legislation.

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 that other existing laws support the police and the legal system in dealing with disruptive behaviour. Breach of the Peace springs to mind, along with Section 74 of the Criminal Justice (Scotland) Act 2003 and Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010. These laws enable the police to act within workable legislation and avoid subjective situations from arising. The police use their judgement more when dealing with disruptive behaviour in non-football situations, e.g. do they arrest every drunk outside a concert or rugby match and consider whether it is in the public interest to proceed?

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 this is an attack on football fans especially those of a young working class background and it unjustly singles them out for no reason. Enjoying an afternoon out with your friends should not mean that you can be targeted just because that afternoon is spent at a football match.

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?

Section 6 has been rarely used so I fail to understand how repealing it would change things. The police and prosecutors are more likely to use other legislation e.g. Communications Act, 2003 to cover this behaviour.

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?

I wholeheartedly support the repeal of the Act and believe that ongoing cases should be dropped with immediate effect as from the very start this legislation has been unjust and unworkable.

7. To what extent do you consider that the 2012 Act has assisted in tackling sectarianism?

I don't believe the Act has assisted in tackling sectarianism. The issue of sectarianism in Scotland is still as prevalent in 2017 as it was in 2012. The Act 2012 has achieved very little in reducing the impact of sectarianism on Scottish society highlighted that redirected funding should be put through the education around the issue rather than maintaining the cameras that point towards the football stands

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