

Justice Committee**Offensive Behaviour at Football and Threatening Communications (Repeal)
(Scotland) Bill****Written submission from Robert Ramsay**

Do you agree with repealing the 2012 Act? No, I believe that this approach throws the baby out with the bath water. There are several parts of this act which are relevant to changes in society i.e. Threatening communication – which could in fact be expanded to include all forms of on-line abuse.

And why have you come to that opinion? Looking at the statement that football is being singled out. As someone who lived close to a football ground for a period of time, match days which concerned the most “popular” teams led to a more threatening atmosphere and other local problems as the fans made their way to and from the ground. This took various forms leading to concerns about drunkenness, damage to property, sectarian comments etc. and while police escorted the main body to and from transport they were unable to be everywhere. Allied to this I have played and spectated at football, rugby, hockey and cricket in Scotland and coached a couple of these sports too. Of all of these sports, in my experience, only at football is there a problem. Not that all football is a problem, again only the clubs with a large support and again only a relative small number of the “supporters”. The problem as I see it isn’t the act as it pertains to football but the inability of the police to effectively identify and extract the perpetrators from a large crowd. The fact that sectarian singing takes place should not be in dispute, no matter how clubs and broadcasters bury their heads in the sand. The European Football Body has noted and penalized some clubs for breaches of acceptable behaviour in this area. The problem is not with the act, although changes need to be made to upgrade it, but with the way it is policed (in that words wider form). Clubs and organizations need to take more control of what their supporters do. Clubs should be held accountable for what happens in and around their clubs when their fans attend matches.. The Scottish Football Supporters (Tartan Army) seem to be able to self regulate to the benefit of Scotland across world football so what is different for individual clubs? Clubs need to be accountable to the law, their neighbours and to the genuine fans who go to watch football. The small group of mob rule anarchists who feel that no one can touch them needs to be exorcised from football. Rather than repealing the law maybe it should be adapted to also include organized marches in public areas.

Would repeal create a gap in our laws, or is other legislation sufficient? The repeal of the act would, I understand, remove the sections on on-line abuse etc. which is a necessary part of policing modern on-line social discourse. As far as the gap created pertaining to football legislation is concerned I would sight a recent example; There was an Orange order march in Glasgow at the weekend, where “on line” a band could be heard playing a tune to which the crowd were singing the Famine Song. The organizers response was that they were only responsible for the band and it was a “well known” 60’s song - they had no control over what the crowd

sang – the police were spread out every 10 yards along this part of the route but appeared not to be able to do anything to prevent what was a breach of the existing acts, the very acts the repealing of the Offensive Behaviour at Football and Threatening Communications Act 2012 would rely on to police football crowds. The police seem to have difficulties in dealing with groups of people breaking the present laws, I assume from the point of view of evidential requirements so it would seem that “other legislation” isn’t sufficient and is an area which requires investigation across the board..

Has the 2012 Act assisted in tackling sectarianism? Yes in that it has made the public more aware of the problem. What is basically a West Coast problem has been opened up for discussion across Scotland. The tackling of the problem seems to have been thwarted by, maverick sheriffs, poor quality media reporting (no surprise there) and an inability to identify all the perpetrators and describe what sectarian abuse is.

If the 2012 Act is repealed, do you agree with proposals in the Bill to stop further convictions under that Act? The poll conducted for the repeal of the act in my view isn’t statistically valid. The vast majority of people in this country aren’t concerned with football or what goes on at football grounds. It’s only when it affects their lives because of where they stay or when they come into contact with fans misbehaving. To quote an old police inspector – football is useful on a Saturday because it gets all the chancers in the one place where we can keep an eye on them and they’re not causing problems for everyone else. Unfortunately this doesn’t always work and their behaviour in towns and on public transport on their way to and from matches can create problems and fear in others. To stop further convictions under the act seems to take the line that “you did it but we’ll let you off because the act is being scrapped”. No, if they fall within the present requirements of the act and are found guilty conviction should follow.

I’m not a member of any political party but this seems yet another attempt to push through a bill for political reasons rather than to work together as a Parliament to create sensible legislation for the benefit of all. Yes the act, like most acts, could do with scrutiny and adaption to improve it but to repeal it would set anti-sectarianism back and lose the benefits of the other legislative parts in the act. As far as the criminalizing of football is concerned, could it be that football is a special case since the problem with sectarian behaviour isn’t evident in other sports in Scotland and football and its supporters don’t seem to be able to self regulate.

Robert Ramsay

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