

Justice Committee

**Offensive Behaviour at Football and Threatening Communications (Repeal)
(Scotland) Bill****Written submission from Andrew Ross****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 existing legal framework is sufficiently robust to deal with any incidents at football matches. The 2012 Act places an additional, unnecessary, burden on Police Scotland. In particular given that what exactly constitutes Offensive Behaviour is loosely defined and subject to different interpretations.

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?

The existing provisions are sufficient, and indeed served us well for over 100 years. There will be no gap.

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?

Absolutely ridiculous that a criminal act can be committed at a football match which would not be considered criminal on a day when no match was being played.

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?

The existing provisions are sufficient.

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?

No further convictions.

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

The 2012 Act has in my opinion had zero effect in tackling sectarianism. Sectarianism in Scotland is driven by segregated schooling. Abolish Faith Schools and sectarianism will be gone within a generation.

Andrew Ross
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