

Justice Committee**Offensive Behaviour at Football and Threatening Communications (Repeal)
(Scotland) Bill****Written submission from Peter Rice****1. Do you agree with the proposal in the Bill to repeal the 2012 Act? What are your reasons for coming to this view?**

Absolutely, this is a dangerous ill thought out piece of legislation which subjects normal law abiding section of society to the prospect of being criminalised on the basis of "offending" a police officer.

This act does not work in any form which is clear in the arrest and conviction rate, all it has actually done is wreck the lives of individuals and completely waste valuable resources that could be better spent elsewhere.

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?

I firmly believe that the existing legislations that were in place prior to the act being introduced were more than sufficient to cover all aspects of antisocial behaviour not only within the confines of regulated football matches but away from that also.

Various laws and legislation already in place such as breach of the peace, Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 for anti-social threatening and abusive behaviour, sectarian hatred or religious prejudice were covered by Section 74 of the Criminal Justice (Scotland) Act 2003 so therefore renders most of the act invalid.

To introduce a specific act solely to target those who attend football matches is inherently wrong in my opinion and has created an almost irreparable divide between the general public and Police Scotland.

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?

As mentioned above I believe that this act is a very dangerous piece of legislation specifically designed to target a section of society which in any other form would not be tolerated by any reasonable person.

Already having laws and legislations in place to cover all the aspects of antisocial behaviour outwith the confines of football games as well as in, I find it impossible to understand why it can be considered appropriate to enforce such a ludicrous act. This entire process was simply a knee jerk reaction in order to be seen to tackle the deep rooted issues that have plagued the west of Scotland for many years and has proved to be utterly useless in combating it, all that the legislation has done is criminalise instead of educating. It has done nothing in any way shape or form to steer another generation away from the problems of our society and to be perfectly honest has, in my view, made the situation a whole lot worse as those who behave in such a manner now use it as an act of defiance against a police force who they see as deliberately targeting them.

In my own personal experience the environment that the act has created has seriously made me question whether or not I want to continue attending football matches. I have followed my team for over thirty years and never once been involved in any type of disorder yet I am increasingly being made to feel like a wanted criminal. From being stopped and questioned to being forced to sit in front of police officers pointing cameras in my direction, over-zealous officers seemingly trying to provoke incidents especially with younger fans, has really ruined something I hold very dear. I work hard in my job to provide for me and my family and it is becoming increasingly clear that I, like many, many others who enjoy a football game run a real risk of being arrested for things that you wouldn't even consider to be a "crime". I do not want to run the risk of a criminal record nor the prospect of being dragged through the court system, face the real possibility of losing my employment and my home or to place my family in a situation of hardship. I cannot fathom as to why we have put in place such a crude and inept act which gives carte blanche to place people in such a horrendous position.

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?

It is my understanding that Section 6 has barely been used since the inception of the act therefore renders this question irrelevant. However as I have mentioned before the law already in existence cover this scenario and has and will continue to be used by the prosecution services in future so I would fail to see in what aspects any form of gap would be created.

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 firmly believe that this act should be repealed immediately.

I also believe that any pending cases should also be dropped as this Act should never have been introduced in the first place, I also strongly feel that those who have already had to suffer through this insane piece of legislation should either have their

convictions quashed or at the very least have their cases reviewed. Under no circumstances would we accept a specific law to be passed to cover people attending any other event whether that be social, sporting or music. And let me be clear on this point, there are far more cases of assaults and serious crime over a weekend such as T in The Park than there is over a weekend at football games across the country, there are far more instances of antisocial behaviour that occur in Glasgow city centre on a Saturday night than all regulated matches across the country at 3pm that day so should we implicate a law to cover that?

No, and as ludicrous as that sounds that is exactly what this act was brought in to do.

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

In my opinion it has done absolutely nothing in terms of tackling the issues of sectarianism, as mentioned before it has placed a spotlight on those who participate in this type of behaviour and created a mind-set of defiance. The vast sums of money which the Scottish Government has wasted on this repugnant piece of legislation could have been much better spent on educating our youth in building a better society for tomorrow. All this act has done is ruin lives, relationships, families, people's employment and a severe disdain for a police service which has lost the respect of the people.

Peter Rice
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