

Justice Committee**Offensive Behaviour at Football and Threatening Communications (Repeal)
(Scotland) Bill****Written submission from The Celtic Trust****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 Offensive Behaviour at Football Act is discriminatory, unjust, contradictory, and badly drafted. It is in fact one of the worst pieces of legislation ever to have been passed in this country. It has completely soured relationships between those who attend football matches and the police and this is particularly worrying because the victims of this Act have been in the main young men who now no longer have any trust in or respect for the police. It can also be argued that police officers themselves have suffered because of this Act in that they are being ordered to pursue situations in the context of football matches very differently from how they would deal with the same situation in any other context. It has resulted in law abiding citizens being drawn into the criminal law system for the first and only time and often having criminal convictions to their name.

The amount of police and court time which has been given to unnecessarily pursuing citizens under this Act is disgraceful and the money wasted must be astronomical, taking up time and resources which could and should have been used to pursue real offenders and criminals.

2. Did you support the original legislation?

No. We opposed this legislation and predicted many of the problems which resulted. In fact, apart from the SNP who despite opposition from every other political party forced the Bill through the Scottish Parliament, and the police who will never refuse extra powers and who saw it as a way to gain more funding, every section of Scottish society opposed this Act. This included the Law Society of Scotland, Churches, Trades Unions, Football Clubs etc.

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?

There were and are ample provisions in existing legislation to deal with any criminal offences which occur related to football matches. One can think of common law offences like Breach of the Peace or specific sections of the Criminal Justice Scotland Act 2003 and also Section 38 of Criminal Justice and

Licensing Act 2010. If these laws are properly implemented they can address all cases so no gap would ensue.

- 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?**

The fact that this question has to be posed highlights just how the discriminatory and unjust this Act is. How can it be right to select members of one section of society and deem their actions criminal while not applying this to others. If this concept was applied to people of a specific gender, race, colour or creed that in itself would be deemed illegal. But it appears that supporters of this Act see football supporters as a lesser type of human being and not worthy of the protection of the law. That is disgraceful.

- 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?**

As previously stated there is ample provision in existing legislation which if implemented properly would deal with all possible offences. In fact, it is our understanding that Section 6 of the Act has rarely been used and that those who have offended have been dealt with using the existing Communications Act. 2003.

- 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?**

We feel that the police should cease using this Act immediately and that no further charges should be brought using this legislation. We also feel that all cases at whatever stage of the legal process should be discontinued. We would go further and suggest that anyone who has been convicted under this legislation should have that conviction quashed as they have been found guilty through legislation which from the outset was discriminating against one section of society and is intrinsically unjust.

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

This Act has not tackled sectarianism at all, nor do we believe was it ever intended to do so. This is a piece of legislation often referred to as an anti-sectarian law but nowhere in the wording of this Act can the words 'sectarian' or 'sectarianism' be found.

There is no doubt that sectarianism exists in Scottish society but it goes much wider than football. If those who support this Act really want to deal with the issue then they need to look much wider and deeper than football matches and football supporters.

This legislation was enacted solely for political purposes and as such has no place in a just and democratic society.

The Celtic Trust
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