

Public Consultation on the repeal of the Offensive Behaviour Act

QUESTIONS

SECTION 1 - ABOUT YOU

1 Are you responding as:

- (i) an individual – in which case go to Q2A
- (ii) on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you?

- (i) Politician (MSP/MP/MEP/Councillor)
- (ii) Professional with experience in a relevant subject (e.g. lawyer, medical profession)
- (iii) Academic with expertise in a relevant subject
- (iv) Member of the public

2B. Please select the category which best describes your organisation: (i) Public sector body (Scottish/UK Government/Government agency, local authority, NDPB) (ii) Commercial organisation (company, business) (iii) Representative organisation (trade union, professional association) (iv) Third sector (charitable, campaigning, social enterprise, voluntary, non-profit) (v) Other (e.g. club, local group, group of individuals, etc.)

3. Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

- (i) I am content for this response to be attributed to me or my organisation
- (ii) I would like this response to be anonymous (the response may be published, but no name)
- (iii) I would like this response to be confidential (no part of the response to be published)

Name/Organisation

4. Please provide details of a way in which we can contact you if there are queries regarding your response. (Email is preferred but you can also provide a postal address or phone number. We will not publish these details.)

SECTION 2 - YOUR VIEWS ON THE PROPOSAL

Offensive behaviour at football (the section 1 offence)

1. Which of the following best expresses your view of the proposal to repeal sections 1 to 5 of the 2012 Act?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed

Unsure

Please explain the reasons for your response.

2. In your view, what would be the advantages and disadvantages of repeal to:

(a) the police and justice system

(b) football clubs

(c) football supporters?

3. Leaving aside the issue of whether sections 1 to 5 of the 2012 Act should be repealed, what do you think needs to be done to reduce offensive behaviour at football matches (including, for example, by politicians, the police and the wider justice system, clubs, fans and other interested parties)?

Threatening communications (the section 6 offence)

4. Which of the following best expresses your view of the proposal to repeal sections 6 to 9 of the 2012 Act?

Fully supportive

Partially supportive

Neutral (neither support nor oppose)

Partially opposed

Fully opposed Unsure

Please explain the reasons for your response.

5. Leaving aside the issue of whether sections 6 to 9 of the 2012 Act should be repealed, what do you think is the most appropriate way of tackling threatening communications while upholding freedom of expression (for example, use of other legislation)?

Strict liability

6. Would you support measures to penalise football clubs for offensive behaviour by their fans? If so, should it be necessary to show that the club was at fault (for example, by failing to take reasonable steps to control fans' behaviour) - or should "strict liability" be applied?

Transitional arrangements

7. What transitional arrangements do you think would need to be included in a Bill to repeal the 2012 Act? [Possible options are set out in the consultation paper at page 23].

Financial implications

8. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have?

Significant increase in cost

Some increase in cost

Broadly cost-neutral

Some reduction in cost

Significant reduction in cost

Unsure

Please provide any comments.

Equalities

9. What overall impact is the Bill likely to have on the following protected groups (under the Equality Act 2010): race, disability, gender (including transgender), age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Positive

Slightly positive

Neutral (neither positive nor negative)

Slightly negative

Negative

10. In what ways could any negative impact of the Bill on any of these protected groups be minimised or avoided?

General

11. Have you any other comments to make on the proposed Bill or on the matters raised in the consultation document?

12. Do you have any direct experience of the Act in practice that you would