

OFFENSIVE BEHAVIOUR AT FOOTBALL AND THREATENING COMMUNICATIONS (SCOTLAND) ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 – Regulated football match: definition and meaning of behaviour “in relation to” match

11. This section provides a definition of a “regulated football match” and sets out the circumstances in which behaviour is considered to have taken place “in relation to a regulated football match”.
12. Subsection (1)(a) provides that a “regulated football match” is one as defined by section 55(2) of the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#). These will include football matches anywhere in the United Kingdom where one or both of the participating teams represent a country or territory; or a club which is a member of the Scottish Premier League or the Scottish Football League, the Football League, the Football Association Premier League, the Football Conference or the League of Wales. Subsection (1)(b) qualifies that broad definition and provides that matches taking place outside Scotland are only considered “regulated football matches” if the match involves a national team appointed to represent Scotland, or a team representing a club that is a member of a football association or league based in Scotland. As such, a game between, for example, two English Premier League clubs taking place in England would not be a “regulated football match”.
13. Subsection (2)(a) provides that, for the purpose of the offence at section 1, a person’s behaviour shall be considered to have occurred in relation to a regulated football match if it happens at the ground where a regulated football match is being held on the day on which it is being held, while the person is entering or leaving the ground where the match is being held, or on a journey to or from the match.
14. Subsection (2)(b) provides that persons who engage in behaviour described in section 1(2) who are not themselves on a journey to a regulated football match, but who direct the behaviour at, or join in with, people who are on a journey to a regulated football match, also commit the offence. Similarly, persons who are not themselves in, entering or leaving the ground, but whose behaviour falls within section 1(2), commit an offence if such behaviour is directed towards or engaged in along with a person in, entering or leaving the ground.
15. Subsection (3) provides that the references in subsection (2) to a regulated football match include any place, other than domestic premises, where a match is televised. As such, the offence can be committed by people watching a match at a pub, or in a public space where the match is televised.

These notes relate to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 (asp 1) which received Royal Assent on 19 January 2012

16. Subsection (4) provides that a person may be regarded as having been on a journey to or from a regulated football match whether or not that person attended, or intended to attend the match. This ensures that offensive and disorderly behaviour, whether committed by supporters travelling to matches without tickets or by others but directed towards or engaged in along with such supporters, is covered by the offence set out in section 1. It further provides that a person's journey may include breaks, including overnight breaks.