Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Act 2018

2018 asp 7

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 15th March 2018 and received Royal Assent on 19th April 2018

An Act of the Scottish Parliament to repeal the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012; and for connected purposes.

1 Repeal of the 2012 Act

The 2012 Act is repealed.

2 Offences

(1) Despite section 17 of the Interpretation and Legislative Reform (Scotland) Act 2010, on or after the relevant date—

(a) no person can be convicted of or found to have committed a relevant offence, and

(b) no penalty may be imposed on a person in respect of a relevant offence of which that person was convicted prior to the relevant date.

(2) Subsection (1) applies, but is not limited, to any prosecution brought (whether before, on or after the relevant date) under section 119 or section 185 of the 1995 Act.

(3) In proceedings for a relevant offence begun before, but not determined by, the relevant date the person charged in the proceedings may be convicted of a different offence if the facts proved in the proceedings amount to that different offence.

(4) In subsection (3), "different offence" means a statutory offence other than a relevant offence.

3 Transitional and saving provision

This Act does not affect the liability of a person to a penalty imposed prior to the relevant date for a relevant offence of which that person was convicted prior to the relevant date.

4 Fixed penalties

In Part 1 of the table in section 128 of the Antisocial Behaviour etc. (Scotland) Act 2004 (fixed penalty offences), the entry relating to section 1(1) of the 2012 Act is repealed.

5 Interpretation

In this Act—

"the 1995 Act" means the Criminal Procedure (Scotland) Act 1995,

"the 2012 Act" means the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012,

"Appeal Court" means the High Court or the Sheriff Appeal Court,

"High Court" has the meaning given by section 307 of the 1995 Act,

"the relevant date" means the date on which this Act comes into force,

"relevant offence" means an offence under section 1 or section 6 of the 2012 Act.

6 Commencement

This Act comes into force on the day after Royal Assent.

7 Short title

The short title of this Act is the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Act 2018.

Changes to legislation:
There are currently no known outstanding effects for the Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Act 2018.