



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT
(Hansard)

**Justice Bill: Formal Clause-by-Clause
Scrutiny**

1 February 2011

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Lord Browne
Mr Thomas Buchanan
Mr Paul Givan
Mr Alban Maginness
Mr Conall McDevitt
Ms Carál Ní Chuilín
Mr John O'Dowd

Witnesses:

Mr Tom Haire)
Mr Gareth Johnston) Department of Justice
Mr David Mercer)

The Chairperson (Lord Morrow):

We will continue the formal clause-by-clause consideration of Part 4 and schedule 3, which deal with the Justice Bill's sports provisions. At our meeting on Tuesday 25 January, the Committee informally considered the evidence received on clauses 36 to 55 and schedule 3 and, at that time, received further information and clarification as necessary from departmental officials. The Committee also agreed to formally consider those clauses at today's meeting.

I advise members that the following papers have been provided to assist with the consideration: a summary paper that covers the evidence received on clauses 36 to 55 and schedule 3; an additional paper that summarises the PSNI oral evidence on sports provisions; information on proposed amendments from the Department of Justice to the sports provisions; and a letter, which was tabled today, from the Attorney General that members may find useful during our deliberations. Each proposed amendment will be considered in the order of the clauses that they apply to. The Hansard report of the Committee's informal clause-by-clause consideration of the sports provisions is also provided. Members may find all that material very useful as we go through our deliberations today.

I welcome to the meeting Gareth Johnston, head of justice strategy division, Tom Haire, Justice Bill manager, and David Mercer, criminal law branch.

Clause 36 (Regulated matches)

The Chairperson:

Does anyone have any comments on clause 36?

Mr O'Dowd:

Did the officials say at the previous meeting that it will propose an amendment to alleviate the concern of the GAA or will those be alleviated in some other way?

Mr Gareth Johnston (Department of Justice):

No. There is a proposed amendment. We will get to that when we come to the schedule. It will take out the mention of the regulated stands as well as the regulated grounds.

The Chairperson:

We also have correspondence from the Department, which outlines the proposal to amend the clause to reduce the proposed periods for times at regulated matches to one hour before the start and 30 minutes after the finish instead of two hours before and one hour after. You will remember a discussion and debate on that. We also received representation on that issue.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.

Clause 36 agreed to.

Clause 37 (Throwing of missiles)

The Chairperson:

The Department's correspondence again outlines the proposal to amend the clause, which, as drafted, precludes anything from being thrown onto the pitch. The proposed amended will focus more on those items that are likely to cause injury. You will remember that there was considerable debate around that during which we tried to agree a better definition of missile. Some had thought that a paper plane was maybe a missile. If no further clarification is needed, I will put the Question.

Question, That the Committee is content with the clause, subject to the Department's proposed amendments, put and agreed to.

Clause 37 agreed to.

Clause 38 (Chanting)

The Chairperson:

I again refer members to the Department's correspondence, which proposes to add sectarianism to the chanting provisions. There was some debate on that issue when we previously discussed it. Do members require any further clarification or information? In not, I will formally —

Mr McDevitt:

My apologies, Chairperson. I note that the —

The Chairperson:

I might regret this, but go ahead.

Mr McDevitt:

I am really sorry; I know that we are trying to get through this. I note that the first amendment proposes to insert "sectarianism", but that the second one proposes to leave out "religious belief".

For the sake of completeness, will officials explain why we need to leave out “religious belief”?

Mr Johnston:

It is to avoid dealing with it twice. Sectarian is defined in our proposed amendment, which is to insert in clause 38:

“(3A) For the purposes of this section chanting is of a sectarian nature if it consists of or includes matter which is threatening, abusive or insulting to a person by reason of that person’s religious belief or political opinion”.

The mention of religious belief has moved into clause 38(3)(a) from clause 38(3)(b), but it is still there.

Mr McDevitt:

Thank you.

Question, That the Committee is content with the clause, subject to the Department’s proposed amendments, *put and agreed to.*

Clause 38 agreed to.

Clause 39 (Going onto the playing area)

The Chairperson;

We did not have anything from the Department on this clause. Do members wish to raise anything?

Mr McCartney:

During the previous discussion, the idea of intent was discussed. Amendments were proposed today about missiles that are likely to cause injury. Would the Department consider proposing an amendment to deal with an incursion to cause injury, rather than just exuberance?

Mr Johnston:

It goes a bit further than that, because we want to avoid people rushing on to the pitch, which, in itself, creates a danger of injury. If a herd of people who are very excited all rush on to the pitch, tempers could get overexcited. We want the provision to cover not only people rushing on to the pitch to injure but rushing on to the pitch in the first place where it is not authorised. We

discussed that before. If a club is quite happy for people to have a good natured pitch invasion at the end of the match, there is no problem.

The Chairperson:

We have heard what has been said. Are members content with clause 39?

Mr McCartney:

We will seek to amend it in relation to what I just outlined, but we do not mind the Committee formally going ahead.

The Chairperson:

Will you tell us again?

Mr McCartney:

We have some difficulties with the clause as currently presented. We would like to see the malicious intent aspect of it to be covered, so our intention is to possibly propose an amendment, but we will allow the Committee to vote on the clause today.

The Chairperson:

OK. Mr McCartney seems to be saying that he is not going to obstruct the passage of the clause here today, but he may want to return to it at another time.

Mr McCartney:

Yes; at an appropriate time.

The Committee Clerk:

Are you proposing that the Committee —

Mr McCartney:

The Committee can vote now, and we will abstain.

The Chairperson:

I think he is saying that they are content to let it go, but they are flagging it up, and may want to come back to it maybe in another arena. Am I right?

Mr McCartney:

Yes.

The Chairperson:

I will put the Question, with the caveat that there may be something coming, not through the Committee, but possibly on the Floor of the House.

*Question, That the Committee is content with the clause, put and agreed to.
Clause 39 agreed to.*

Clause 40 (Possession of fireworks, flares, etc.)

The Chairperson:

I refer members to the Minister's letter, which indicates that he is giving consideration to the inclusion of laser pens, but there are difficulties with including that in statute at this stage. He does, however, recognise the problems that those pens can cause, and will take the issue forward with relevant Departments, which could permit a future and more rounded resolution. There was considerable debate on that issue, and I think there was a fairly strong feeling in the Committee that those should be included. However, I want to hear whether members still think that. You now know what the Minister said in the correspondence. Does anybody want to comment or ask the Department anything by way of clarification?

Mr McDevitt:

I want to hear what advice the Minister received. Did he take advice from departmental solicitors or the Attorney General that has led him to the view that it is not possible to include laser pens in the Bill?

Mr Johnston:

We took advice from the Departmental Solicitor's Office about defining laser pens. The advice

was that they are not really defined in legislation and that a definition would be difficult and would require us to consult a range of other interests and Departments to ensure that what we would be banning would be right and precise. That having been said, the Minister is happy for us to take that process through. However, it is outside the timescale of this Bill.

Mr McDevitt:

I remember people being convicted for using laser pens against aircraft, for example, and there were cases where they were used in Belfast a couple of years ago. Therefore, those projectile objects must be defined somewhere in statute. Why, then, is there a problem?

Mr Johnston:

Those people were convicted under the Air Navigation Order 2009, which states:

“A person must not in the United Kingdom direct or shine any light at any aircraft in flight”.

Therefore, they can affirm to that definition.

Mr McDevitt:

Thank you.

The Chairperson:

Are members content with the clause? We had concerns about whether laser pens should be included. However, they not included and we have heard the explanation.

Question, That the Committee is content with the clause, put and agreed to.

Clause 40 agreed to.

Clause 41 (Being drunk at a regulated match)

The Chairperson:

Does any member wish to comment or seek clarification?

Mr O'Dowd:

We do not feel that the provision is necessarily required. However, by voting against it, would we be portrayed as thinking that it is all right to be drunk at a match or outside the ground, when it is not? Although we will support the clause today, it will not prevent us from returning to it before the legislation complete all its stages.

Mr A Maginness:

If someone is found drunk in public, they have committed an offence and they can be prosecuted. However, if somebody is drunk in a football stadium, which is not a public area, are they committing that same offence? I take it that they are not.

Mr Johnston:

There is doubt about that.

Mr A Maginness:

This clause would clarify the situation?

Mr Johnston:

Exactly.

The Chairperson:

Have you finished, Mr Maginness?

Mr A Maginness:

In the circumstances, it would not be unreasonable for the offence to be created to deal with people who are drunk at a regulated match. It would give the police and the authorities at a football match greater control as there would be certainty. The authorities could tell a person that, if he did not play ball with them and leave, they would phone the police and he would be charged.

The Chairperson:

Mr O'Dowd made the point that the Committee might be seen to be careless about drunkenness at

a match, but that can be dealt with in the report. I draw members' attention to the summary table, where it is stated that the Public Prosecution Service (PPS) felt:

“there may be difficulty in certain circumstances in satisfying the test for prosecution or in proving the commission of an offence to the requisite criminal standard, namely beyond reasonable doubt.”

Furthermore, the point has been made that the legislation already exists, so do we need to repeat it again? We honed in on that issue when we discussed the matter.

Gareth, the Committee felt strongly that this was legislation for the sake of legislation: enough powers are already available; there is no need for more.

Mr Johnston:

I appreciate the PPS's point that drunkenness is not defined. However, it is the same issue that arises about drunkenness generally. The police would apply the same tests as they apply to someone who is drunk in the street to those who are drunk in sports grounds. We are not doing something that is different from what is done outside sports grounds.

The point was made about legislating for the sake of legislating. As Mr Maginness said, it is about clarifying the law; it is not about applying one set of standards inside sports grounds and a different set outside. The legislation is about clarifying that the same standards apply inside and outside sports grounds. At the moment, there is some doubt about whether the law does that; the clause will plug the gap.

The Chairperson:

Surely the PPS's point is that the police are not inside the ground; they make arrests on the street. You will depend on stewards and volunteers to enforce the provisions. Is that right?

Mr Johnston:

I am not sure, Chairperson, if that is quite the PPS's point, but it is a perfectly valid point. The Department of Culture, Arts and Leisure is working with the sports bodies on an NVQ recognised training programme for stewards and marshals, and we expect that programme to cover issues such as those.

Mr McCartney:

I have two points to make. First, the PPS seems to be saying that it would not proceed with such a case. Therefore, if a club felt that someone was drunk and that person was arrested, the PPS would not proceed with the case. My second point is that, by regulation, clubs have the power to tell someone who is drunk to leave a ground.

Mr Johnston:

The PPS's point was whether there was some way of defining drunkenness in the legislation. It did not say that there would not be prosecutions; however, it acknowledged that there could be difficulty in certain circumstances in satisfying the test for prosecution. We are simply using the standards that are already in the law. We are simply asking the courts to apply the same tests that they already apply in practice.

Mr McCartney:

I accept that. However, perhaps the scrutiny was not done properly.

Mr Johnston:

I am happy to take away the more general point about whether there is a way of defining drunkenness for future reference. I am not sure that it is easy to resolve. We could do what the Americans do and see whether someone can walk along a white line touching their fingers to their nose. It is difficult to define. We can certainly look at that issue separately. However, I suggest that the PPS is not saying that there cannot be prosecutions, rather that the same issues that currently arise in cases in which someone is drunk in the street would carry across to this situation, and we acknowledge that.

The Chairperson:

I must put the clause formally to the Committee. However, judging by the drift of members' comments, I suspect that the Committee will reject the clause, although perhaps members are merely expressing an opinion to provoke comment. Are members content with the clause as drafted?

The Committee Clerk informs me that we have three options: we can accept the clause as it

stands; we can reject it out of hand; or we can amend it. I am of a mind to reject it, but I am not trying to steer anybody. I am simply saying that, having listened to the pros and cons and having read the views of the PPS, I feel that there is considerable doubt around satisfying the test for prosecution. The Committee for Culture, Arts and Leisure questioned the need for the clause on the basis of existing legislation. That is why we would reject it, if we do reject it: we simply believe that adequate legislation is already there.

Mr O'Dowd:

That is a fair summary. It is not a case of us disagreeing with the objective of the clause; it is that legislation is already in place. It is key that we, as a Committee, bring forward workable legislation.

The Chairperson:

Are members content that we reject the clause?

Mr Johnston:

In the Department's view, we need the clause because, if someone is drunk in a sports ground, the current law may not be sufficient to deal with them. That is my advice. There is substantial doubt about whether that is a public place and whether the provisions that relate to drunkenness in public places would apply. That is why we are making that provision. I am sorry to interrupt.

The Chairperson:

We will certainly tell the Department and the Minister that you battled hard for it. *[Laughter.]*

Lord Browne:

If someone is drunk, they are likely to commit an offence that will be enforceable, such as throwing a missile or hitting someone.

Mr McCartney:

Has anyone ever been arrested in a sports ground, contested the case in court and had a charge refused simply because the issue of whether the law applied inside a sports ground was successfully contested? If the PSNI saw someone drunk at a football ground, my reading is that

they would have powers to arrest that person.

Mr Johnston:

I am not sure that I can point to a particular example. As I say, the advice that we are getting is that, if there is an incident, the current offence may not be wide enough to cover that.

There is a broader context to the clause and, indeed, throughout those few clauses about alcohol. They try to address the risk factors associated with a group of people who are quite passionate about something being in a confined space. One risk factor is that somebody will say something stupid; we are trying to address that through the chanting provisions. Another risk factor is that somebody will do something violent that will cause the place to erupt; we are trying to address that through the provision on missiles, drinks containers, and so on. However, the biggest risk factor is perhaps drink. It affects people's rational decision-making and reduces inhibitions — or so I am told. *[Laughter.]* It would be very odd if we brought forward a package of proposals on safety in sports grounds and did not mention standards on drink, drunkenness and the consumption of alcohol. Therefore, the package is trying to address those risk factors, and we see drink as something that is liable to inflame situations. That is why the provisions are included.

Mr Tom Haire (Department of Justice):

I will offer the Committee a parallel example. Under the Licensing (Northern Ireland) Order 1990, it is an offence to be drunk on licensed premises with the same level of penalty. That is clarifying the law around private premises versus public property, and it is in a context where, shall we say, things happen. Therefore, parallel law already exists in a similar context that, presumably, the PPS might have the same views on. People may say that two wrongs do not make a right, but the context is very similar as regards being drunk in a private place.

Mr A Maginness:

This is a very good rearguard action on behalf of the officials. *[Laughter.]*

The Chairperson:

Yes; they have tried hard. I take some satisfaction from the fact that Mr Johnston has said that

you do not have to live the experience to realise that it happens. *[Laughter.]*

Ms Ní Chuilín:

Or so he is told.

The Chairperson:

To some extent, that strengthens our argument, too. If you are drunk on the street, in the park or in the stand, you are drunk and you have committed an offence.

Are members content to reject the clause?

Clause 41 disagreed to.

The Chairperson:

That seems pretty clear; nobody is saying nay, although I know that there are some reservations. We are sorry about that, Mr Johnston. I hope that we are friends nonetheless.

Clause 42 (Possession of drink containers, etc.)

The Chairperson:

Are members content with the clause as presented?

Mr O'Dowd:

I think that it falls in the same category as the last clause. It is unnecessary and unworkable legislation.

The Chairperson:

The Committee's table of responses states that:

"The CAL Committee recommends that Clauses 42 and 43 should be read together and questions the need for both clauses. The Committee believes that the issues pertaining to these clauses could be achieved through regulation by sports governing bodies.

With regard to Clause 42, the CAL Committee is concerned that this clause limits any sort of containers being brought to a ground. Members recommend that further consideration is given to addressing the needs of families; children's and baby's bottles."

We took it a stage further and spoke about hip flasks and that sort of thing.

Ms Ní Chuilín:

And wine gums.

The Chairperson:

Yes; somebody did think that wine gums could be included. Do members require any further clarification?

Mr McDevitt:

In my mind, there is a slight distinction between this clause and the previous clause. I want to ask Mr Johnston to elaborate on that. Is part of the reason for specifying containers that you want to remove the potential for them to be used as missiles, or is it simply that they may contain alcohol?

Mr Johnston:

It is the chance that they could be thrown or used as a weapon. The regulation of alcohol is dealt with separately. There is a difference between where the Committee for Culture, Arts and Leisure is coming from and where we as a Department are on the issue. We are trying, through a number of the clauses and certainly through this one, to avoid risky situations arising. It is not that we are looking for some means of dealing with a missile being thrown or an injury being inflicted. We want to stop those risk factors arising in the first place and to tell people not to bring in tins, glass bottles or plastic bottles with the tops on. Indeed, someone else could grab a bottle from them and smash somebody across the face with it.

We are just trying to create a situation in which the risk factors that might exacerbate things in that pressure cooker that exists during and after a match are, as far as possible, removed, so that people can be assured of a good, happy, family time when they attend matches. It is about taking a step back, asking what the risk factors are and dealing with those. Certain containers can be a risk factor.

The Chairperson:

Including a hip flask?

Mr Johnston:

Yes, potentially including a hip flask. I realise that they do not fall within the definition, but I come back to my hope that, if you have invested in a hip flask, you are not too likely to throw it.

The Chairperson:

Even though you are ecstatic or totally depressed?

Mr McCartney:

Alcohol reduces your inhibitions.

Mr Johnston:

I am prepared to make a commitment that, if we become aware of an issue around people throwing hip flasks, we will certainly deal with it in future legislation.

Lord Browne:

On the whole, the clubs already enforce these provisions. They have regulations that state that no drinks or alcohol should be brought into the ground. As you say, they now have training schemes for marshals and stewards, who already implement the rules. When it is felt that supporters from different sides could become hostile at a particular match, the clubs go a long way to ensure that no containers of any sort are brought into the ground. Again, I feel that the legislation may be unnecessary.

Mr A Maginness:

Overkill.

Mr Johnston:

I come back to how the legislation would support the clubs in doing that. Undoubtedly, a lot of good work has been done already. The Committee has challenged us on many issues during Committee Stage. Certainly, on the sports provisions, it has challenged us to go back to the

organisations and have further negotiations with them. No one — not the IFA, football supporters, rugby or the GAA — is now flagging the issue as a concern. Different sports may feel that they do not have a problem. They are certainly saying that they do not have a problem with this provision.

Mr Givan:

Have the clubs indicated that, when carrying out searches, fans have said that there is no law that requires them to get rid of an item? Are they clubs saying that they need this provision to enforce their searches?

Mr Johnston:

Early on, the IFA said that it welcomed all of the provisions, and certainly this provision.

Mr O'Dowd:

We must remind ourselves that we are talking about a sporting match, to which people go to enjoy themselves. Are we going to have airport-style security checks with people going through the turnstiles being made to strip down to their boxer shorts to ensure that they are not carrying a container? It is unworkable legislation anyway. Anybody who is cute and who wants to be problematic will just turn up at a match with a medicine or veterinary bottle that they have poured alcohol into and then say that it cannot be taken off them because the Bill says that they are allowed to take it in. What steward will challenge them and say that they have no need for it or ask them to sample what is in it? Who will sample it? It is a silly law; there is no reason for it.

The Chairperson:

After Mr Johnston comments, I will put the Question to the Committee.

Mr Johnston:

We are not asking stewards to do intimate body searches or anything like that. The clause offers the chance to address the issue. If I walk into a football match carrying a container like those we have mentioned, the stewards can tell me that I am not allowed to take it into the ground. If I ask, "Who says so?", the stewards can say that the law says so and take it off me. They would be justified in taking it off me.

Mr McCartney:

That can be part of the admission conditions at present. The ticket will say that a person must fulfil the terms and conditions, one of which is that the person cannot carry a bottle into the ground. Therefore, if a steward tells you that you cannot take it in and you try to do so, you will not be admitted to the ground. We do not have to make it a criminal offence. Someone might be being awkward or stupid. People might be going to a concert or a football match and feel that there is nothing wrong with taking a bottle of lemonade in with them. However, their mind will be made up when they are told that they will not get into the ground.

The Chairperson:

We will have to make a decision one way or another. Is the Committee not content with the clause?

Clause 42 disagreed to.

Clause 43 (Possession of alcohol)

The Chairperson:

I draw members' attention to the briefing paper from the Department of Justice. In light of the particular representations made by Ulster Rugby, the Minister now proposes to amend the commencement of this clause to be subject to affirmative procedure and require full Assembly consent. The amendment is achieved by changing the commencement provisions in clause 103. I remind members that we are talking about the possession of alcohol, and you have all the comments in front of you. Does any member wish to say anything?

Mr A Maginness:

I am not certain that the commencement order solves the problem. It could be seen as discriminating against certain sports. If I understand the thinking of the Department and the Minister, they want to give a bye ball to rugby while insisting that some other sports must comply. Prima facie, that is discriminatory, and somebody could, quite properly, bring some form of judicial review or legal challenge.

The Chairperson:

It has the tone of bad law about it.

Mr A Maginness:

I think so. However, I am no expert in the field and am open to advice from the officials. It certainly does not seem to be a very satisfactory way of dealing with the matter. I am impressed by Ulster Rugby in particular. It came before the Committee and said that it does not have a problem with alcohol and that the legislation will seriously injure its project to develop Ravenhill. There is a lot of weight in that. I am not so certain that this provision is necessary at this point in time. I do not think that there is a problem that needs to be addressed.

Mr McCartney:

Can I make a suggestion in line with what Alban is saying? We could exclude clause 43(1)(a) and keep clause 43(1)(b) and make it an offence for someone to try to take intoxicating liquor into a ground. That would allow the sports to regulate the sale of alcohol in grounds. Therefore, if drunkenness becomes a problem inside a ground, the licensing laws will allow us to regulate.

The Chairperson:

I hear what the member has said. However, our paper says:

“Ulster Rugby is strongly opposed to the inclusion of matches played at Ravenhill in Clause 43 and is concerned about relying solely on a commencement order to create an exemption. Ulster rugby urges the Committee to remove it completely from Clause 43 for the following reasons.”

One member of the Committee said that he is of a mind to take out a paragraph of the clause to make it acceptable. I detected that, when the clause was discussed at our previous meeting, some members were of the opinion that it should be rejected in its entirety. However, I am now in the hands of the Committee.

Mr Johnston:

It would be helpful for me to deal with those points, the first of which was about any potential discriminatory impact. The potential for differential commencement was there when the Bill was drafted. We took advice about competence in the usual way from the Attorney General, and there

were no concerns about that aspect. However, given that we are proposing an amendment to make any commencement subject to affirmative resolution, it will go back to the Attorney General. Therefore, if there are any concerns, he will have an opportunity to flag them up.

The Ulster Rugby position has moved on from the position that was given to the Committee in its formal response. We discussed the issue further with it at ministerial level before Christmas, and the compromise, as it were, was that there will be full consultation on any commencement, which we would bring about by making it subject to affirmative resolution. That was acceptable to Ulster Rugby. As I said, that may not have been its number one preference, but it was prepared to live with that. At that meeting, its hopes for further development were set out and explored. Therefore, the earlier response and the Committee's views pushed us into further engagement with Ulster Rugby, and the compromise seemed acceptable to it. It also has the support of the Minister of Culture, Arts and Leisure.

Mr A Maginness:

That is not the preferred position of Ulster Rugby. It is adopting that position because it thinks that it has to move otherwise the Bill will go through. Therefore, it is not a preferred position and is one that it has been more or less pushed into. I am not saying that it has been blackmailed into it or anything like that, but it has been pushed into it and has to move. So, it is not a very satisfactory position for Ulster Rugby.

I am also worried about sponsors or potential sponsors. They could say that there will be a problem because their contract was negotiated on the basis that they could advertise and sell their drink and so forth. That could undermine the sports, which find themselves in a difficult enough circumstance in the present economic climate. I am, therefore, not happy with the clause, and I do not think we should run with it, even with the commencement order, which I know the Minister and the Department put forward as a compromise. I am not so certain that it is such a good compromise. I accept the Attorney General's reassurances, though.

The Chairperson:

We have had no correspondence from Ulster Rugby to say that it has changed its stance. If you take out clause 43(1)(a), it would follow that you have to take out clause 43(3) completely.

Mr Johnston:

There would be a variety of consequential amendments.

Mr McCartney:

I do not know what the Committee will do, but I think that three months' imprisonment for possession of alcohol seems unfair given that the fine for being drunk is only £1,000.

The Chairperson:

I will put the Question to the meeting. Are members of a mind to reject clause 43?

Clause 43 disagreed to.

Clause 44 (Offences in connection with alcohol on vehicles)

Mr Johnston:

The Department has put forward a couple of amendments. One is to remove subsection (5), which deals with the offence of being drunk on a vehicle. As a result, subsection (6)(c), which deals with the penalty, would also be removed. The other proposed amendment is to change subsection (1)(b) to read "to a regulated match" rather than:

"to or from a regulated match."

The reason for keeping in the provision for the journey to a regulated match is that the GAA has told us that it would very much support the idea of regulating booze buses, as it were, going to matches.

The Chairperson:

That is a new one; we need to watch out for the booze buses.

Mr McCartney:

Again, I have reservations because the PPS has said that it would find that a difficult charge to pursue.

The Chairperson:

Members have heard what the Department has said about the clause. Are members content with the clause as outlined by Mr Johnston? You have the option of rejecting it, but you will be aware of that anyway. I think that we are getting better at this.

Mr O'Dowd:

We will abstain at this stage. We want to return to the clause in our own deliberations.

The Chairperson:

Are other members content to accept the clause? You have heard what has been said. Some are holding their position on it, but may — well, they may do anything.

Question put, That the Committee is content with the clause, subject to the Department's proposed amendments.

The Committee divided: Ayes 4; Noes 0

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr Maginness, Mr McDevitt

Question accordingly agreed to.

Clause 44 agreed to.

Clause 45 (Sale of tickets by unauthorised persons)

Mr Johnston:

The Department proposes to remove clause 45 in light of the assurances from the IFA about a self-regulated arrangement.

Question, That the Committee is content with the clause, *put and negatived.*

Clause 45 disagreed to.

Clause 46 (Banning orders: making on conviction)

The Chairperson:

According to our summary paper, the Committee for Culture, Arts and Leisure said:

“that banning orders should be extended to include all categories of matches, not just regulated matches and also to other jurisdictions.”

Has the Department anything new to say about clause 46 since you were last here?

Mr Johnston:

We have nothing new, Chairman.

The Chairperson:

Are members content with clause 46? No one has indicated that they are not content. Is anyone abstaining?

Mr O’Dowd:

We will abstain. We need to return to it in our own deliberations.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 46 agreed to.

Clause 47 (Banning orders: content)

The Chairperson:

Does the Department have anything further to add to what you have given us already?

Mr Johnston:

We have nothing further, Chairman.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 47 agreed to.

Clause 48 (Banning orders: supplementary)

The Chairperson:

Has the Department anything new to add on clause 48?

Mr Johnston:

No, Chairman.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 48 agreed to.

Clause 49 (Banning orders: “violence” and “disorder”)

The Chairperson:

Does the Department have anything new to add on clause 49?

Mr Johnston:

The Department is proposing two small amendments. These are to ensure that the sectarian aspect that we included earlier in the Bill is properly covered in clause 49, so that “sectarian hatred” is part of the definition of what constitutes disorder. Clause 49(3) was a mistake, and it is removed. It would be replaced by the amendment with the definition of “sectarian hatred”. That is the other small change.

The Chairperson:

Are you saying that clause 49(3) is coming out in total?

Mr Johnston:

Clause 49(3), as it is, is coming out and being replaced with a new clause 49(3), which is the definition of sectarian hatred.

Question put, That the Committee is content with the clause, subject to the Department's proposed amendments.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 49 agreed to.

Clause 50 (Banning orders: duration)

The Chairperson:

Does the Department wish to add anything on clause 50 that you have not told us already?

Mr Johnston:

Nothing has changed.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 50 agreed to.

Clause 51 (Banning orders: additional requirements)

The Chairperson:

Has the Department anything new to add on clause 51?

Mr Johnston:

No.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 51 agreed to.

Clause 52 (Termination of banning orders)

The Chairperson:

Does the Department have anything new to add on clause 52?

Mr Johnston:

No.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 52 agreed to.

Clause 53 (Information about banning orders)

The Chairperson:

Does the Department have anything new to add on clause 53?

Mr Johnston:

No.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 53 agreed to.

Clause 54 (Failure to comply with banning order)

The Chairperson:

Does the Department have anything new to add on clause 54?

Mr Johnston:

No.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 54 agreed to.

Clause 55 (Powers of enforcement)

The Chairperson:

Does the Department have anything new to add on clause 55?

Mr Johnston:

No.

Question put, That the Committee is content with the clause.

The Committee divided: Ayes 5; Noes 0.

AYES

Lord Browne, Mr Buchanan, Mr Givan, Mr A Maginness, Mr McDevitt.

Question accordingly agreed to.

Clause 55 agreed to.

Schedule 3 (Regulated Matches)

The Chairperson:

I refer members to the correspondence from the Department, which outlines the proposal to amend the schedule to remove sports grounds at which there is a stand requiring a safety certificate. Therefore, the provisions would apply only to matches played at designated grounds. Is there anything new to add on that?

Mr Johnston:

No, that was in response to the GAA's concerns.

Question, That the Committee is content with the schedule, subject to the Department's proposed amendment, put and agreed to.

Schedule 3 agreed to.

The Chairperson:

That completes the formal consideration of the sports provisions of the Bill. Mr Mercer, I think you are leaving us now. Thank you very much for your attendance. The other officials are staying for the next session.