



Northern Ireland  
Assembly

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**COMMITTEE FOR  
CULTURE, ARTS AND LEISURE**

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**OFFICIAL REPORT  
(Hansard)**

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**Justice Bill**

9 December 2010

**NORTHERN IRELAND ASSEMBLY**

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**COMMITTEE FOR CULTURE, ARTS AND LEISURE**

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**Members present for all or part of the proceedings:**

Mr Barry McElduff (Chairperson)  
Mr Declan O'Loan (Deputy Chairperson)  
Lord Browne  
Mr Thomas Burns  
Mr Billy Leonard  
Mr Kieran McCarthy  
Mr Raymond McCartney

**The Chairperson (Mr McElduff):**

I draw members' attention to Part 4 of the Justice Bill, chapter 1 of which deals with regulated matches. The relevant clause is clause 36.

**The Committee Clerk:**

The clause outlines the period of a regulated match, including occasions when a match is postponed or cancelled. The period of a regulated match begins two hours before the start of the match or, if earlier, two hours before the time at which it is advertised to start. The period ends one hour after the end of the match. Postponements or match delays are catered for by retaining the same period before the advertised match starting time as would have applied had the match taken place as advertised.

One member, Mr Ken Robinson, suggested that the time period is, perhaps, too long, as many grounds do not open to spectators until 90 minutes before kick-off. That issue was also raised by the Irish Football Association (IFA). Mr Robinson said that most spectators arrive at grounds between 15 and 30 minutes before kick-off and leave immediately after the whistle has been blown. He said that some costs may be incurred in meeting those obligations, thus putting a strain on clubs.

Issues were raised about the definition of regulated matches and whether that should apply only to those that are played at designated grounds. The point was made that the present wording of the Bill causes venues for GAA county teams to be included, even though they are not played at designated grounds.

**The Chairperson:**

Members, we have a number of options on the clause. We can agree that the Committee is content with the clause; we can agree that the Committee recommends to the Committee for Justice that the clause be amended, stating the particulars and/or rationale of the amendment; or we can reject the clause. We will want to incorporate some of the sensible points that have been made by the governing bodies, where we, as a Committee, deem them to be sensible.

**Mr McCartney:**

I am a member of the Committee for Justice, and we are going through the Bill in a great deal more detail. Therefore, I will not make any comments on it. The Committee for Justice has spent time on it and will spend the next couple months on it, so it would be unfair for me to comment on it in this Committee.

**Lord Browne:**

I am in the same situation. As Raymond said, the Committee for Justice will spend considerable time on the Bill, so it would be inappropriate for me to comment here.

**The Chairperson:**

So you two are in listening mode. Billy, do you have a comment?

**Mr Leonard:**

After those two abdications.

**Mr McCartney:**

I will not say that we are in listening mode, but we are not going to say too much. *[Laughter.]*

**Mr Leonard:**

Whether it is appropriate for us, in our role, to accept or reject totally all of the clauses, on this clause I think that we should take the middle option. We should convey our concerns to the Justice Committee about the link between regulated matches and designated grounds. A sensible area has yet to be teased out so that the legislation does not become too prohibitive. Specifically, is there room for change in the time period before and after matches that would not adversely affect the clubs but be OK for enforcement? Those are the two core issues that I am thinking of. I do not know how other members feel.

**Mr McCarthy:**

I agree with what has been said. For instance, Ken Robinson gave us a paper expressing his concern about the time period, a concern shared by the IFA, which is the body that we should be listening to. OK, we must make up our own minds, but people at the IFA know more about the subject than I do, although I appreciate and like football and all that sort of stuff. At this stage, that is my input.

**The Chairperson:**

In light of what has been said, we have three options. I will ask the Committee Clerk which we are zoning towards.

**The Committee Clerk:**

The Committee is zoning towards option 2, which is to express comments and concerns on the clause.

**The Chairperson:**

OK.

**The Clerk of Bills:**

We can draw out, perhaps in a letter, the idea that the Committee would like the time limit reduced. Is that what members want? Do they favour reducing rather than extending it?

**The Chairperson:**

So the Committee has agreed to move forward in that way.

**The Committee Clerk:**

Clause 37 makes it an offence to throw anything at or towards the playing area, or any area adjacent to the playing area to which spectators are not admitted, or any area in which spectators or other persons are or may be present without lawful authority or lawful excuse. A person guilty of such an offence is liable to a fine not exceeding level 3 on the standard scale. A level 3 fine currently stands at £1,000.

Comments from the Committee included the issue of how to define a missile, a point raised by Ken Robinson, who asked whether a snowball would be considered a missile.

**The Chairperson:**

That is certainly very topical.

**The Committee Clerk:**

The issue was how clause 37 would be used and enforced.

**The Chairperson:**

Some governing bodies seem to have issues with clause 37, one of them being that more clarification is needed because not all grounds have safety certificates; is that right? Is that relevant to this?

**Mr McCartney:**

For clarification, when it comes to regulated matches, the legislation is very clear for soccer, because of the leagues involved. However, for GAA and rugby, officials say that it is grounds

with safety certificates or stand certificates. GAA and the rugby representatives are saying that that can lead to matches that will never be attended by 5,000 spectators being designated, which is why they want clarification.

**The Committee Clerk:**

Ken Robinson also voiced his concern that laser pens were not included in clause 37. Officials from the Department of Justice (DOJ) responded by saying that they would look at the issue.

**The Chairperson:**

We should probably seek to make a difference there. I think that we, as a Committee, should support Ken in seeking the inclusion of laser pens as specifically mentioned. Are members agreed?

*Members indicated assent.*

**Mr Leonard:**

Last week, we spoke clearly about supporting the laser pen idea. If the issue around the relationship between regulated matches and designated grounds were satisfactorily resolved, some of our issues with this clause would also be resolved.

The other issue is the worry about fines. If a fine is to be up to £1,000, surely there will be some discretion around that. Let us be honest, if someone is throwing a coin with malicious intent, they deserve to be fined £1,000, but if someone is innocently throwing an paper plane, I do not think that they should face such a fine. Surely to goodness there will be enough discretion to operate within the up to £1,000 band.

**The Chairperson:**

Do members have any other comments? If not, we are faced with a number of options: to agree that the Committee is content with the clause as drafted; to agree that the Committee make a recommendation to the Committee for Justice that the clause be amended, stating the particulars; or to reject the clause as drafted. We are probably in the second area. We have reached agreement, then, on points that will be made in a letter to the Justice Committee.

I refer members now to clause 38, which relates to chanting.

**The Committee Clerk:**

This clause creates an offence of indecent or offensive chanting during regulated matches.

Chanting is defined as:

“the repeated uttering of any words or sounds (whether alone or in concert with one or more others).”

Chanting is considered offensive if it consists of, or includes, matter that is:

“threatening, abusive or insulting to a person by reason of that person’s colour, race, nationality (including citizenship), ethnic or national origins, religious belief, sexual orientation or disability.

A person found guilty of that offence is liable to a fine not exceeding level 3 on the standard scale, which is currently £1,000.

I will refer to some comments already made by the Committee. Declan mentioned that the clause says chanting “to a person”, and asked whether that would also refer to chanting against players. The DOJ said it would check that, but thought that it did cover it. Also, a question was raised over whether general sectarian or offensive chanting was covered, and the officials said that they would check that as well. Ken was concerned that the term is subjective and open to interpretation unless a definition is provided in law.

The Northern Ireland Human Rights Commission’s (NIHRC) reply states:

“Any restriction criminalising particular speech or expression requires justification under Article 10(2) of the European Convention on Human Rights (ECHR). ... This allows restrictions and penalties only when they are clearly prescribed by law ... and are ‘necessary in a democratic society’. ... for the restriction to be deemed ‘necessary in a democratic society’ the state must demonstrate that there is pressing social need for the measure and that the restriction is proportionate to addressing that need.”

NI human rights law specifies that sectarianism is a form of racism. There is no explicit reference made to sectarianism in the clause, and the NIHRC has called for the explicit recognition of sectarianism in NI to be defined according to international standards. The inclusion of a measure to impose sanctions for chanting containing sectarian and other discriminatory expression is consistent with human rights standards.

Although there appear to be issues around definitions, Sport NI is supportive of the clause.

**The Chairperson:**

Do members have any comments?

**Mr O'Loan:**

The word "sectarian" is not included, and I and others wonder whether it should be. Is that adequately captured under 38(3)(b) by the reference to "religious belief"? The Committee should question whether it would more be more helpful to include the word "sectarian" under 38(3)(b).

**Mr Leonard:**

I will go along with that idea; "sectarian" could be included along with some sort of background definition. The Human Rights Commission is quite sensible in how it might embed it in human rights standards. That will be a standard by which it can be measured and enforced.

**The Chairperson:**

Do members have any other comments on that category?

**Mr O'Loan:**

I notice that chanting means the "repeated uttering of any words". Does that mean that it is ok to sing from start to finish a song that is of an undesirable nature but does not repeat itself?

**The Chairperson:**

There is no chorus. *[Laughter.]*

**Mr O'Loan:**

Exactly. I find that slightly strange.

**The Chairperson:**

OK. We will raise that point. We will offer some comment on clause 38 on the subject of chanting. Do members agree?

*Members indicated assent.*



**The Chairperson:**

I refer members to clause 39, entitled “Going onto the playing area”. The issue that exercises me most is the controlled celebratory occasion: that needs to be protected. Governing bodies should be sensible enough to manage controlled celebratory occasions and the lawful admittance onto the pitch of people after a game. We should try to reflect that strongly.

**Mr O’Loan:**

I support that because, as you described, it is quite acceptable in certain sports for the crowd to enter the arena at the end of a match and congratulate the teams. It seems that the language in clause 39 puts the onus too strongly on the person who enters the pitch. It says:

“without lawful authority or lawful excuse (which shall be for that person to prove).”

Those who organise the game are quite happy with that, yet the clause will put an onus on the individual to provide proof. I find that very unsatisfactory.

I have a general point on enforcement. It strikes me that there is a major question about how much of the Bill might be enforced. Police officers will not be standing around able to observe all of the offences outlined in the Bill. Therefore, for this clause and quite a few others, I wonder how enforcement will be realistic.

**The Chairperson:**

We need further clarification of the term “lawful excuse”. We want to ensure that it covers the necessary emergency evacuation procedures as well.

**Mr Leonard:**

It is important that our comments do not attempt to excuse that to the extent that we are against the central thrust of the rules on unlawful invasion that the sports authorities support. However, if there are exceptions under lawful authority or lawful excuse, there could, surely, be flexibility to address the issues that we talked about.

**Mr O’Loan:**

I have another general point. It might be helpful — it applies to this clause and probably to some others — to argue against putting anything in the legislation that is already in place under the

safety of sports grounds legislation.

**The Chairperson:**

We are reaching a conclusion on clause 39.

**Mr Leonard:**

If clause 39 read “without lawful authority or lawful excuse” and the bit in brackets were left out, surely the term “lawful excuse” would be open to interpretation. If you have the traditional celebratory invasion, it is not up to Joe Smith or Josephine Smith to prove that it is lawful. It is up to the governing body to say that it does not mind fans of the winning team coming on to the pitch at the final whistle. Such instances would need to be protected, but I do not know how the legal eagles would roll that out.

**The Clerk of Bills:**

You might need a little bit more clarification, because the term “lawful” implies that you have to refer back to the statute. We could ask the Department to look at that.

**The Chairperson:**

So, we have agreed our way forward on clause 39.

**The Committee Clerk:**

The Committee is saying that it needs more clarification on “lawful excuse”.

**The Chairperson:**

Clause 40 is entitled “Possession of fireworks, flares, etc.” Are you allowed to wear flares to a game? [*Laughter.*]

**Mr O’Loan:**

It is time that they were banned.

**Mr McCartney:**

They should carry a life sentence.

**Mr O’Loan:**

There could be some merit in this legislation after all.

**The Chairperson:**

There seems to be unanimity among the governing bodies on that issue.

Are there any contextual remarks?

**The Committee Clerk:**

Yes. I referred to laser pens when we were discussing an earlier clause, but the issue refers more appropriately to this clause. If members are content, I will put the agreed action on laser pens in the appropriate place; that is, under this clause.

*Members indicated assent.*

**Mr O’Loan:**

This clause is about possession as opposed to use. It may go in more than one place.

**The Chairperson:**

Is there any further commentary on the clause? The GAA wondered whether the clause is relevant to it; I presume that it is. The point is whether the clause only refers to regulated matches that are played at designated grounds. Should we seek clarification on that? As a Committee, do we want to reflect those concerns?

**Mr Leonard:**

At the start, we raised the issue of the relationship between regulated matches and designated grounds and giving flexibility to the governing authorities. Our challenge to that premise would roll down to this.

**Mr McCartney:**

All of these clauses relate to regulated and designated grounds.

**The Chairperson:**

What is our conclusion?

**The Committee Clerk:**

That the clause should include laser pens.

**The Chairperson:**

So, we will make a recommendation to the Committee for Justice that the clause be amended to include laser pens.

Clause 41 relates to being drunk at a regulated match. Are people allowed to be drunk under any circumstances?

**The Committee Clerk:**

The issue is about the definition of “drunk”.

**Mr McCarthy:**

Too much drink.

**The Committee Clerk:**

Ken Robinson said that being drunk in and of itself should not be a criminalised act that can result in a level 2 fine. His point was that any behaviour carried out by a person — whether he or she is sober, drunk or somewhere in-between — that breaks the law should be pursued. He also raised the point that the ability of an individual without a medical background to assess on sight whether someone is drunk can prove problematic.

The Amalgamation of Northern Ireland Supporters Clubs (AONISC) argued that there is a vast difference between being mildly drunk and being disorderly. It also stated that drunkenness at matches is normally dealt with internally by clubs.

The issue seems to be the definition of “drunk” and whether clubs can regulate that themselves.

**The Chairperson:**

OK. We will seek a further definition. Or we could leave the clause out.

**Mr O'Loan:**

Are we questioning the necessity of the clause?

**The Chairperson:**

We will question the necessity of the clause.

**Mr O'Loan:**

We could ask whether there is legal clarity around the word "drunk".

**Mr Leonard:**

I do not want to be contradictory. We could question the need for the clause, but would it still have value if it contained the word "disorderly"? Surely, the concept of "disorderly" has been in law and in practice for long enough for common sense to apply.

**The Committee Clerk:**

It is disorderly conduct in itself.

**Mr Leonard:**

Yes, but disorderly conduct could include drunk and disorderly conduct.

**Mr O'Loan:**

Did any of the sporting organisations indicate support for that clause? Do they feel that it would assist them? Would they welcome stronger powers to deal with anyone who is clearly drunk and slurring their speech and so on?

**The Committee Clerk:**

We do not have any record of such support. Some of the research on the Bill points to a case in England in which someone had slurred speech, was regarded as drunk and given a fine.

However, that person had a disability, which raised the issue of how you can know when someone is drunk. That was the research against the clause.

**The Chairperson:**

Drunk and refusing to fight was always a crime in Carrickmore. *[Laughter.]* That is the frame of mind that some people get themselves into at sporting events.

We have reached agreement on our approach to clause 41.

I refer members to clause 42, “Possession of drink containers, etc.”

**The Committee Clerk:**

There are some issues in relation to clause 42. The Northern Ireland Supporters Club questioned whether it is necessary for clause 42 to be enforced in Northern Ireland. It questioned whether it is reasonable to prevent spectators, including children, OAPs and the disabled, from having a bottle of water or soft drink. It also queried the rationale of allowing bottles of veterinary medicines. Ken Robinson argued that the clause needs to be more explicit to allow reusable containers that contain a substance that cannot necessarily be bought in the ground, such as a child’s drinking cup or a baby’s bottle. Sport NI said that guidance is needed to clarify the term “article capable of causing injury” and whether the clause refers to plastic bottles with or without the cap removed and plastic receptacles such as cartons.

**The Chairperson:**

OK. Is it relevant to talk about the experience of Friday night rugby matches at Ravenhill, where alcohol does not seem to contribute to any form of disorder? Is there a case for arguing that rugby should not be included? I am just asking the question. I do not have a fixed view.

**Mr O’Loan:**

I have a concern about the alcohol-related clauses, whether they relate to the consumption of alcohol or the possession of drink containers. Clause 42 does not name alcohol, but the provisions might include alcohol. There are different associations in different sports about what is normal behaviour.

**The Chairperson:**

I might have wrongfully brought the Committee onto clause 43. Possession of drink containers is a wee bit distinct from alcohol.

**Mr O'Loan:**

It is distinct from alcohol consumption. Alcohol is not specifically named in clause 42, but nonetheless —

**The Chairperson:**

Based on what has been said, what will be our response to clause 42?

**The Committee Clerk:**

It disallows any type of container. There is an issue around children and families.

**The Clerk of Bills:**

It relates not only to alcoholic drinks, but to every drink. That would be a major step away from the current situation.

**The Chairperson:**

It would. What about bottled water? We could be banned from having Rocwell water, or any water, at sports matches. That is a concern.

**The Committee Clerk:**

Babies' bottles would also be banned.

**Mr Leonard:**

It is a can of worms. We do not want any sporting occasion to be under threat, but how many have been under threat by people throwing bottles onto a field? I am wondering about the effectiveness of clause 42. At one point, we talked about stewards having the legal power to take bottles and tins of alcohol away from spectators. I have seen that done. Perhaps that is another way of cracking the nut. We do not want to get into a situation in which there is a debate about a

bottle of water.

**Mr O’Loan:**

All of those points are valid. However, I do not think that we should shrink from raising the alcohol issue. We should ask that clauses 42 and 43 be read together in this aspect and say that concerns are coming from some of the sports that the regulations could be over-restrictive of existing behaviours, in relation to alcohol, that are perfectly managed and controlled.

**Mr Leonard:**

I take the point. My attention has been drawn to the wording of the notes in respect of capability of causing injury. A bottle of Rocwell could cause injury, if thrown hard enough and from a short distance. That is the sort of bind that we are in; we dictate the contents of the bottle, rather than the intent of the human being who is going to do damage with it. I know that we can end up splitting hairs in this debate. I accept the validity of Declan’s point, but surely there has to be a way of dealing with this. If the football authority, GAA or any other authority thought that there were risks with one match more so than 99.9% of the other matches, would stewarding deal with those risks? It comes back to the point about the regulated match at which stewards would have the power to take dangerous containers. It is possible that that will open another can of worms, but this provision could be the equivalent of taking a sledgehammer to break a monkey nut.

**The Chairperson:**

The discretion of stewards is an important point at the heart of your comments, Billy.

**Mr Leonard:**

Yes. We do not want to allow for a threat to games and sportspeople.

**The Chairperson:**

Have we reached a conclusion on clause 42, which deals with the possession of drink containers?  
Will we read clauses 42 and 43 together?

**The Clerk of Bills:**

It would be fine to write to the Committee to ask it to consider the issue broadly, under clauses 42



and 43.

**The Chairperson:**

That is our agreed approach to clauses 42 and 43.

Chapter 3 of Part 4 deals with alcohol on vehicles travelling to regulated matches. I refer members to clause 44, “Offences in connection with alcohol on vehicles”.

**The Committee Clerk:**

Clause 44 creates as an offence alcohol on certain transport to and from regulated matches. It covers vehicles that can carry nine or more people and are used principally for the purpose of carrying passengers for reward for the whole or part of a journey to or from a match. The first offence is that of causing or permitting intoxicating liquor to be carried on such a vehicle and applies to an operator, servant or agent of the operator, or the person who hired the vehicle. The operator of a vehicle is the driver, if the driver owns the vehicle, or in any other case, the person for whom the driver works. That incurs a level 4 fine.

A person who is drunk on a relevant vehicle is also guilty of an offence and liable to a fine not exceeding level 2. A constable may stop and search a vehicle if he suspects that one of these offences has taken place. So, basically, you cannot carry alcohol on these types of vehicles and you cannot be drunk on them.

The GAA has concerns about that. It says that it has major implications for GAA county committees and there will be a need to educate spectators on the new arrangements. It has asked for clarity on the operational function of any cross-jurisdictional co-operation with an Garda Síochána on the policing of such matters. It is concerned about the all-Ireland aspect of it.

**The Chairperson:**

The rugby representatives may not have expressed them, but they might have the same concerns. Rugby also has North/South matches.

**The Committee Clerk:**

Yes, the point is made again, but just about matters being outside the jurisdiction.

The AONISC says that unlike internationals in Wales and England, Northern Ireland football teams are not, historically, contentious. It also argues that the periods of travelling to matches are relatively short, given the geography here. I suppose it is questioning the need for this provision.

**The Chairperson:**

The inclusion of trains is an important issue that Ken brought up.

**The Committee Clerk:**

Yes, he made the point that the clause deals solely with vehicles and not trains. Translink has its own by-laws covering alcohol on trains, but it may be helpful to expand this section to cover trains as well. He also argued that point in relation to clause 44(5) and clause 41.

**The Chairperson:**

OK. Are there any further comments from members? If not, will we reflect the concerns that have been brought to our attention by the governing bodies?

**Mr O'Loan:**

Yes, although I think that we should say that we have had those concerns from the governing bodies, rather than making them ours. My concern is about trying to include trains; there could be different situations on trains.

**The Chairperson:**

OK, that is our approach to clause 44 agreed.

Clause 45 relates to the sale of tickets by unauthorised persons. Are there any comments on that?

**The Committee Clerk:**

It is an offence for an unauthorised person to sell or otherwise dispose of a ticket to another person for a regulated match. The clause only applies to football. The clause also outlines how someone gets authorisation. A person requires authorisation in writing from the organisers of the match to sell or otherwise dispose of tickets. The selling of a ticket includes offering to sell a ticket, exposing a ticket for sale, making a ticket available for sale by another, advertising that a ticket is available for purchase or giving a ticket to a person who pays or agrees to pay for some other goods or services, or offering to do so.

Issues about that clause have been raised by Committee members and some of the sporting bodies. The DOJ indicated that the provision will be used to avoid disorder as a result of segregation, and last week DOJ officials told the Committee that they would provide it with a list of the matches that were segregated to avoid disorder.

Issues were also raised about supporters not being able to pass tickets on to family members, as that would be an offence, and others felt that the provision is, perhaps, a little extreme for local conditions. This Committee also made the point that it is unclear how organisers of a match would determine who would be defined as authorised persons.

Ken made the point that, as the provision only applies to football, it suggests a negative perception of that sport. It was also suggested that the provision is a bit over the top, that it represents a sledgehammer approach and that the legislation should focus on what we are trying to stop, rather than prevent what might happen. Finally, Raymond made the point that it should be targeted at games in which segregation is needed, rather than applied on a blanket basis.

**Mr Leonard:**

The clause is the biggest example of the use of a sledgehammer approach, and it amounts to GB legislation being transposed here for no sensible reason. The segregation argument could be dealt with separately from any ticket-touting legislation, when games attract sufficiently substantial crowds that a lack of segregation would cause a problem. That could be done under public order legislation.

**The Chairperson:**

Is there agreement on that?

**Mr O'Loan:**

I think that there is. I think that we, as a Committee, should question the value of that clause. However, I am unsure about the reference to the provision only applying to regulated football matches. There is nothing in the text of the clause that says that that is the case, and it may just be someone's perception.

**Mr McCartney:**

Regulated matches are those that are played in the Irish League, the League of Ireland or international matches. That is why it will only apply to soccer matches. Designated grounds —

**Mr O'Loan:**

Regulated?

**Mr McCartney:**

Regulated matches are defined in clause 36, Declan.

**Mr O'Loan:**

Are you saying that the provision will only apply to matches at designated grounds?

**Mr McCartney:**

No; it will only apply to regulated matches, which are all soccer games. Designated grounds are rugby and GAA grounds, which is why the provision does not apply to rugby or GAA matches.

**Mr McCarthy:**

What is the difference? You could have ticket touts for rugby matches and football matches.

**Mr McCartney:**

The provision is trying to deal with segregation, and rugby and GAA games have never

traditionally had an issue with that. In England, there were issues with segregation and they introduced measures to prevent ticket touts selling tickets to fans who would end up in the opposition end of football grounds. Regulated matches are defined as Irish League Premiership and Championship 1 matches, League of Ireland games and FIFA or UEFA fixtures in the North.

**The Chairperson:**

It is a pity that David McClarty is not here, because he is good in moments like this. He talks about climbing over a wall at a Coleraine match and being thrown back in. *[Laughter.]*

Is the Committee agreed to question the need for the clause as being not locally relevant?

*Members indicated assent.*

**The Chairperson:**

Clause 46 deals with banning orders made on conviction.

**The Committee Clerk:**

The clause states that a banning order may be triggered where the person who committed the offence engaged in violence or disorder at, entering or leaving a regulated match, on the journey to or from a regulated match, or where it appears to the court that the offence was motivated by a regulated match. The court must impose a banning order if a person has been convicted of such an offence and the court believes that making a banning order would help to prevent violence or disorder at or in conjunction with any regulated matches. The clause states what evidence may be considered for a banning order, and it states that a banning order is to be taken to be a sentence for the purposes of appeal rights.

There have been calls for greater clarification on the clause. Respondents asked whether offences committed in other UK jurisdictions or in other countries are to be used as grounds to enforce a banning order here. They said that there have been incidents of police in other countries acting in a heavy-handed and unnecessary way towards fans who had been behaving responsibly. The GAA questioned whether it is included in the provisions of the clause. Given that the clause is to deal with regulated matches, am I correct in saying that the GAA is not included?

**Mr O’Loan:**

There is a different definition of regulated matches in each of the chapters. It was felt that Gaelic games would be excluded from this chapter.

**Mr Leonard:**

Last week, I made a comment that applies to clauses 46 and 47. I do not want to sound draconian, because I am not. The clause states that offenders will be banned from regulated matches. Last week, I made the point that, in the case of a serious offender, it would be better if the courts were to have room to ban the offender more broadly than from just regulated matches. If a person can start a riot at a football league match, they might go down a level to a league that is not regulated and bring their trouble to that sporting event. That would be equally bad. Clauses 46 and 47 deal with banning from regulated matches, but should the courts have the power to broaden that out so that the legislation is not too restrictive?

**The Chairperson:**

Your suggestion is that banning orders should not just apply to regulated matches. We will seek clarification on that point. Do members agree to seek to amend the clause, or, at least, make those observations?

*Members indicated assent.*

**The Chairperson:**

We will move to clause 47, unless we think that we have covered it already. Clause 47 is entitled “Banning orders: content”. It is a distinct category.

**The Committee Clerk:**

This clause provides a definition of a banning order as an order prohibiting the person from entering any premises for the purpose of attending a regulated match. The court is required to explain the effect of the banning order to the subject in ordinary language. The clause requires the person to report initially to a police station. It also sets out a list of events that require the person to notify the police, such as a change of address. It also provides for the suspension of reporting requirements when the person is in legal custody or when the person is living outside

Northern Ireland.

**Mr McCarthy:**

Could we not agree on that clause, for a change?

**Mr Leonard:**

I have no problem with the clause's intent, Kieran. The ban is from attending regulated matches, so my point on clause 46 applies to clause 47. A broader application is probably needed.

**Mr McCarthy:**

The point probably also applies to clause 48.

**The Chairperson:**

It probably applies to clauses 48 and 49, so we will read those clauses together. Clause 48 is entitled "Banning orders: supplementary", and clause 49 is entitled "Banning orders: 'violence' and 'disorder'". Clause 50 is entitled "Banning orders: duration", clause 51 is entitled "Banning orders: additional requirements".

**Mr McCarthy:**

Much the same applies.

**The Chairperson:**

Clause 52 is entitled "Termination of banning orders", clause 53 is entitled "Information about banning orders" and clause 54 is entitled "Failure to comply with banning order". We can read all those together and we know what we are doing; that is good.

We now move to clause 55, which deals with powers of enforcement.

**The Committee Clerk:**

Clause 55 sets out what constables may do in enforcing the provisions of this Part of the Bill. In situations in which they suspect an offence has been committed under this Part, constables may enter a sports ground and/or search a person.

Ken Robinson has said that, in some matches, police are not on duty, which may be due to the small size of the anticipated crowd or for more historical reasons. Ken also said that enforcement of any provision should apply to a “big two” derby, other derbies or an Irish Cup final.

The GAA is concerned that the clause conflicts with the Safety of Sports Grounds (Northern Ireland) Order 2006, as there is no legal imperative to have the PSNI at matches, and that in regulated games with a large attendance that will mean policing and stewarding by consent. It also said that it would accept police officers having the power defined in the Bill, but that entry onto premises to effect such enforcement needs to be triggered by a report unless the constable is present to observe the alleged breach. The GAA also questioned whether the Bill extends to CCTV coverage of games and events and their seizures by PSNI from the promoter or governing body where CCTV exists, and it suggested that the Bill needs to confirm that venue operators are in overall control of their events.

DOJ officials said that it is not intended that more police officers will attend matches than do so already. They also said that the clause is designed to give stewards extra weight to inform members of the public that they are in danger of breaking the law if they continue with certain activity.

**The Chairperson:**

Do members have any comments? Do we wish to reflect those concerns?

**Mr O’Loan:**

Yes, I think that we should reflect those concerns and specify that we are doing so.

**The Chairperson:**

Are members agreed?

*Members indicated assent.*

**The Chairperson:**

OK. Thank you for that. Schedule 3 to the Bill deals with regulated matches.



**The Committee Clerk:**

Schedule 3 provides the context of the Bill's provisions and provides definitions. At this stage, members will be aware of what a regulated match is.

**The Clerk of Bills:**

Schedule 3 needs to be read in conjunction with clause 36, which sets out which parts of schedule 3 apply to which clauses of the Bill.

**The Chairperson:**

OK. Have we reached a conclusion or are we close to doing so? Are members content?

**Mr Leonard:**

I will make the general point that GB concerns are being transposed here when there is no need to do so.

**Mr O'Loan:**

Schedule 3(7) states:

“This paragraph applies to a match in a gaelic game which is played outside Northern Ireland and -

(a) in which one or both participating teams represents a county; or

(b) which is an international rules football match.”

Has the GAA expressed any concerns about that wording?

**The Chairperson:**

It has made some comments about the schedule. However, I do not think that it has commented on that specifically.

**Mr O'Loan:**

I find that strange. The paragraph does not even state: “in which one or both participating teams represents one of the six counties”. Therefore, if Dublin were playing Kerry in Croke Park, we could take a view on that under this legislation, which seems odd. Or we could take a view if Antrim were playing Kerry in an all-Ireland final at Croke Park.

**The Chairperson:**

It is very unlikely that that would happen.

**Mr O'Loan:**

Why does it want to capture that at all?

**The Chairperson:**

I will ask the Clerk of Bills to explain that jurisdictional point.

**The Clerk of Bills:**

The member raised a point about trying to enforce this law in areas outside the jurisdiction of Northern Ireland. The Committee may wish to raise that with the Justice Committee to see whether that should be explored further.

**The Chairperson:**

The Gaelic Athletic Association wants to be known as such in the Bill. Is it relevant for us to reflect that point? Do members have any other points about this schedule? If not, are members content to make some recommendations to the Committee for Justice that the legislation be amended?

*Members indicated assent.*

**The Chairperson:**

I thank members for their co-operation and wish our staff well in drafting the response.