



Northern Ireland  
Assembly

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COMMITTEE FOR JUSTICE

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**OFFICIAL REPORT**  
(Hansard)

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**Departmental Briefing on Proposals for  
Sports Law**

3 June 2010

**NORTHERN IRELAND ASSEMBLY**

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**COMMITTEE FOR JUSTICE**

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**Departmental Briefing on Proposals for Sports Law**

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

Lord Morrow (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Tom Elliott  
Mr Conall McDevitt  
Mr Alban Maginness  
Mr John O'Dowd

**Witnesses:**

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

**The Chairperson (Lord Morrow):**

The next item on the agenda is a briefing on proposals for sports law. Mr Johnston will be joined by Tom Haire, head of the criminal law branch in the justice strategy division, and David Mercer from the criminal law branch. Mr Johnston, will you be leading off on this one?

**Mr Gareth Johnston (Department of Justice):**

If you are content, Mr Chairman, I shall ask Tom Haire to outline the proposals to the Committee.

**Mr Tom Haire (Department of Justice):**

Thank you for affording us the opportunity to present to the Committee the Justice Minister's proposals for new sports laws and spectator controls for Northern Ireland. We have submitted an

overview of the consultation and the responses received and a copy, in the form of a draft report, of the Minister's proposed way forward.

The Minister is keen to give the Committee a chance to consider and comment on the package before it is finalised. As the Committee is aware, we propose that the provisions feed in to the forthcoming justice miscellaneous provisions Bill. I will provide background to the consultation and to our joint work with the Department of Culture, Arts and Leisure (DCAL); outline the proposals as published and the responses and representations that we received; and describe our Minister's draft proposals and where they have been adjusted in light of consultation.

The proposals for the new sports laws originated in legislative reforms created by the Department of Culture, Arts and Leisure by way of the Safety of Sports Grounds (Northern Ireland) Order 2006. The Order provides for a mandatory sports ground certification scheme to increase safety at Northern Ireland's major sporting events. Alongside the focus on safety at grounds, a key element of the Order is the promotion of good behaviour and the combating of misbehaviour among spectators. The need has arisen, therefore, to put in place new criminal laws to complement the sports ground safety regime. When a Department puts controls in place, to make them work effectively, it is common for the Department to need the backing of criminal offences and penalties and the criminal justice system. Safety at sports grounds regulations are no exception.

At an event, the least amount of violence and disorder by even a few supporters can threaten the safety of the majority. Spectators should not have to witness violence, nor should they have to put up with, for example, offensive chanting. Criminal law should be available to prevent misbehaviour from escalating into public disorder. Admittedly, that is rarer in Northern Ireland than elsewhere; however, it can happen, and indeed, on occasion, it has happened.

The overall aims of the sports package are to create a safe and welcoming environment at major sporting matches and to tackle violence and bad behaviour. We believe that the sports laws and controls proposals reflect both aspects of that strategy, and we have called upon English and Scottish statutes as examples on which to build. Those laws are well established and have stood the test of time. With respect to reciprocity, we want and need to work with those regimes. However, in certain areas, we have remodelled them to reflect our needs. In addition, we have worked with Northern Ireland and, indeed, all-Ireland sporting bodies. Needless to say, creating

new offences and court powers will not, in themselves, deliver safety or good order, but they will provide an important part.

The Northern Ireland Office published the proposals for consultation in July last year, with the consultation period running until the end of November. The consultation period was then extended until the start of this year to accommodate some respondents who needed additional time. The proposals followed a series of discussions that we had with key bodies, namely the three main sporting bodies — the Irish Football Association (IFA), the GAA and Ulster Rugby. DCAL has been closely involved in developing this package, and its Minister, Mr McCausland, supports the proposed way forward as contained in the draft report.

I will deal with the outcome of the consultation shortly, but, at this stage, I want to record that we had 13 responses to the consultation. One of your papers may say 12; my apologies for that. There is broad support for the package. The proposals targeted four areas in which we felt the law could be improved: behaviour inside grounds; the carrying and consumption of alcohol; selling of tickets; and the banning of fans from games. The proposals also identified the sporting events to which the laws would apply and how they might be enforced.

The first group of proposals is for new offences that would apply in grounds and that would outlaw offensive chanting, the throwing of missiles and going onto the pitch unless authorised. The pitch incursion offence is important. One of the main effects of DCAL's sports ground safety regime will be that, in an emergency, spectators must be able to move safely from spectator areas onto the pitch if necessary, which means that barriers designed to keep people off the pitch must be removed. In parallel, we need to deter fans from going onto the pitch unless authorised to do so. Therefore, we intend to make unauthorised pitch incursion an offence.

There is a proposal to create an offence to deal with offensive chanting. In particular, we want to target sectarian and racist chanting, but we also intend to cover aspects such as disability, sexual orientation and so on in line with section 75 requirements in the Northern Ireland Act 1998. It is already against the law to stir up hatred or arouse fear on grounds of race, colour, religious belief et cetera, but the proposed offence is designed to tackle the particular circumstances that occur inside grounds when a spectator or a section of the crowd is chanting. The new offence is needed not only because chanting can be offensive but because, in a large crowd with opposing supporters, it could spark off crowd-control problems.

We have noted that the word “sectarian” as it might be referred to in common parlance is not specifically reflected in the detail of the proposal. We do not want to allow what you or I might commonly understand as sectarian chanting, but “sectarian” is not an easy word to define in law. We will certainly discuss that with the draftsman, but our view is that, by listing relevant section 75 categories, we capture what is meant by sectarian without risking the failure of a prosecution because of ambiguity surrounding the terminology. That has the added advantage of capturing all the relevant constituent elements, such as religion, race, sexual orientation, disability et cetera.

The current law on assault is not necessarily adequate in the context of an offensive missile being thrown in a sports arena. The existing law requires the thrower to intend harm to someone but, in a sports ground, objects are often thrown aimlessly, for example, towards an empty pitch. The new law would allow someone to be prosecuted in those circumstances. In addition, we wish to ensure that fans do not bring flares or items that can be dangerous if thrown, such as beer bottles, into the grounds, and offences to that effect are included in our consultation. The offences in that package would be triable summarily with a maximum sentence of a level 3 fine, which has a maximum of £1,000.

The second group of proposals aims to control the carrying and consumption of alcohol at certain sports events. For, example, we propose to outlaw the possession of alcohol not just inside grounds but in hired transport en route to and from grounds. That would include periods before, during and after matches, because alcohol can be a key ingredient in exacerbating disorder on the part of fans, especially at some crucial matches. Possession of alcohol within the ground and in sight of the pitch would be banned from two hours before the game until one hour after the game. Possession of alcohol in private viewing facilities would have a lesser restriction, with the ban starting 15 minutes before the game and lasting until 15 minutes after the game. The maximum penalty would be a level 3 fine, three months’ imprisonment or both. Being drunk at a game would result in a level 2 fine, with £500 being the maximum fine. Allowing alcohol to be carried on special transport could attract a fine of up to £2,500.

The third group of proposals aims to ban ticket touting for certain football matches in Northern Ireland to ensure that fans are properly segregated in football grounds and kept apart if necessary. We accept that that is not often a difficulty in Northern Ireland, but it is an area that we wish to cover. The fine for ticket touting in those circumstances could be a level 5 fine of up to £5,000.

The fourth group of proposals deals with banning orders and a football banning regime. As the consultation states, that would take the form of an order made by the court when convicting someone of a football-related offence. In addition to the penalty for committing that offence, the court would have to consider banning a person from football matches for up to 10 years. The ban would apply to matches involving local teams and teams covered by similar regimes in Great Britain. There would, in due course, be a reciprocal banning regime arrangement covering the United Kingdom. The Republic of Ireland does not have a banning order regime at present.

In the consultation, we mentioned a civil route to a banning order, although we did not propose it. We felt that an order made in conjunction with a criminal conviction would be sufficient, but we welcomed views on that. The basic difference would be that, for a criminal conviction, the prosecution would proceed and then an order would be made at the end. The civil route could be just a straight application to the court to have a banning order imposed.

Finally, there were proposals for sporting events and enforcement. The sorts of matches that would be affected would be those at our largest football, GAA and rugby venues. In broad terms, that would mean football games played in Northern Ireland in the Irish Premiership and Championship; the Setanta Cup; the Eircom League, for example, Derry City games; and the Northern Ireland international team playing in Northern Ireland. For GAA and rugby, all matches played at venues requiring a safety certificate, or with a stand requiring such a certificate, would be covered. In broad terms, that would be GAA county and secondary games or rugby games played at Ravenhill. We did not see the need to regulate activities at smaller grounds or for other sports.

The Committee will have noticed that some of our proposals will apply to football only; for example, those on ticket touting and football banning orders. Our view has been that we should target our proposals at the problems as they present themselves, and that was very much reflected in the responses that we received from the main sports organisations. The Irish Football Association, in particular, supported the package of proposals. Nobody contacted us to say that there was a need for a GAA or rugby banning regime at this stage, whereas, with regular cross-channel football fan travel, we saw the need to create a regime parallel to those in Great Britain.

I turn now to the enforcement and implementation of banning orders. Our proposal was, and

remains, that, unlike the situation in England and Wales, a separate football banning authority is not required for Northern Ireland. In England, that body co-ordinates the administration of the orders on behalf of many police forces. As in England, we propose that those subject to banning orders will report to the police, who will monitor compliance with the terms of the order. Given that we have only one police service in this jurisdiction and that we envisage modest numbers of banning orders — perhaps 20, at most, at any one time — the creation of a dedicated new body is not merited. In fact, in Scotland, one police force fulfils that role.

I will now deal with enforcement in a broader context. We recognise that the creation of offences, penalties and policing powers do not automatically create good behaviour. They will help, but we need to stress that the clubs and their stewarding arrangements will, perhaps, continue to have the most important role in promoting good behaviour and crowd safety. Clubs can already exclude unwanted spectators, and stewards already manage crowd behaviour. Their roles will not change, but the criminal law package that will be created will offer important assistance in appropriate circumstances.

As I said, there were 13 responses to the consultation process, including submissions on behalf of all the three sports. There was broad support for the package. All respondents supported the proposals on chanting, missile throwing and, with a proper definition to allow for education and planning, the banning of pitch invasions. All agreed that bottles and flares should be banned from grounds. Although we initially felt that fireworks legislation adequately covers the use of fireworks in grounds, we now consider that, unless it is part of a regulated and approved display, it should be an offence to have a firework at a designated ground.

Differing views were expressed on the proposals for alcohol in grounds and on transport. Different sports had differing views. Given the importance of some licensed premises in clubs and grounds for revenue building and sponsorship, the point was made to us that flexibility is important. Therefore, in light of the consultation, we propose that the offence of possessing alcohol while in view of the pitch would still cover all three designated sports. We feel that it would be better to set out in subordinate legislation how it will apply and the times when it will and will not be permitted. Indeed, that could apply differently to different sports. Our intention is to draft and consult on any such subordinate legislation before determining how the offences will apply in different circumstances and to different sports.

There was broad support for the proposals on alcohol on transport. However, some felt that trouble caused in pubs around venues was more significant and that vehicle operators might find it more difficult in practice to comply with new laws on transporting people who bring alcohol with them. In response, we have tried to make it clear which vehicles drink would be banned on. In effect, bans will be restricted to hired buses that are capable of carrying eight or more passengers. We feel that the issue of licensed premises around grounds is a matter for more general licensing legislation and one that would, perhaps, be more appropriately dealt with by the Department for Social Development.

Finally, the ticket touting proposals were supported. There was also support for football banning orders, but some sporting organisations — as opposed to football authorities — felt that football was being unduly identified. Although our proposal recommended a criminal conviction route only for the banning order, some felt that, in the absence of a criminal conviction, the civil route that I described should also be available. Therefore, we propose to restrict the banning regime to football at this stage to, as I said earlier, target the problem as it presents itself. However, we accept the view that a civil route should be created to create quicker access to a banning order to bar violent fans. Some felt that a special football banning order would be preferable for Northern Ireland. However, as I said, we are not minded to establish a separate or free-standing authority for Northern Ireland.

There is broad support for the proposals on which fixtures the package of powers would apply to. However, it was indicated that, in order to allow reciprocal arrangements to have effect, events for which GB banning orders apply should also be included. Therefore, we propose to ensure that an NI banning order could also have effect with regard to, for example, the main leagues, international football teams in Great Britain and, indeed, in FIFA and UEFA games. We also intend that a football banning order made in Northern Ireland would prevent attendance at Eircom League games played in the Republic of Ireland. Key points made by a number of respondents were that there is a need for a proper action and implementation plan and that working with sporting bodies is essential. We agree with and accept those points.

Thank you for the opportunity to present our sports law and spectator behaviour proposals to the Committee. We are pleased to have received a high level of support for the proposals and have made a number of adjustments in the light of the consultation exercise. We are pleased that the way forward has the support of our key partners in the exercise, the Department of Culture,



Art and Leisure and its Minister, Mr Nelson McCausland. I trust that you have found this presentation and the papers helpful.

**The Chairperson:**

Thank you very much, Mr Haire. The success of the proposals will depend on enforcement. Is it clear who will be responsible for that? In GB, football is covered, but you have also included GAA and rugby. You have not included cricket, for instance. What was your thinking behind that?

**Mr Haire:**

I will answer your second question first. We looked at other sporting events that might attract crowds, such as ice hockey and cricket. The truth is that we do not see a problem with violence, misbehaviour or disorder in those sports, which is why we targeted the three main sporting events and did not stray into other areas.

Your first question was about enforcement. The bottom line is that the proposals outline policing powers that would be available to the police. As I said, club stewards will be doing their usual job of managing events and trying to prevent the need to fall back on criminal law in those circumstances. On a vast number of occasions, the clubs and stewards do an extremely good job and what they do works. The proposals outline policing powers that can be exercised if necessary.

**The Chairperson:**

As you rightly say, most of the crowd control at matches, whether football or rugby, is carried out by volunteer stewards. A steward might feel that he is being put on the line. He might feel that he has to do something on behalf of the club because some idiot is making a nuisance of himself, but the steward might not come out of it very well. At Irish League football matches, attendance is not large and, furthermore, there are few police there. A very nasty incident could have happened by the time a police Land Rover, which may have to travel a considerable distance, arrives at the pitch.

I see from the list of consultation responses that you have had a response from the Ulster branch of the Irish Rugby Football Union (IRFU) and one from the Ulster Rugby Supporters' Club. Were they enthusiastic about the proposals?

**Mr David Mercer (Department of Justice):**

The rugby authorities, as opposed to the supporters, were very supportive, but they had concerns about alcohol, which we may discuss later. Apart from that, they were broadly happy to go along with the proposals. That is the extent of their response in general. The supporters were content with everything that we suggested except the proposals on the use of alcohol.

**The Chairperson:**

What did they say about alcohol? I am interested in that issue.

**Mr Mercer:**

Both the IRFU and the supporters said that they did not think that there was a particular problem at Ravenhill with bad behaviour as a result of over-consumption of alcohol. They were content that alcohol is available during matches. They wanted us to reconsider the proposals on alcohol. Therefore, we have added the element of flexibility and room for further thought on exactly how control of alcohol at all three sports' grounds would work in practice with regard to timings.

**The Chairperson:**

How would that work if people went by coach to a football match in Scotland or the Irish Republic, for example, and they had gallons of alcohol on board? Would they be subject to the powers proposed in the consultation?

**Mr Haire:**

Yes, they would be; certainly within Northern Ireland — the laws extend only as far as the border. The coach-hire company would be barred from taking supporters who have loads of alcohol on its buses. Therefore, it would cover those circumstances.

**The Chairperson:**

Let me get that right, Mr Haire: are you saying that if a bus is stopped by the police and is found to have alcohol in its boot, that alcohol could be confiscated?

**Mr Haire:**

The bus driver and company would be committing an offence.

**Mr Elliott:**

Thank you for your presentation. I have a couple of queries about other sports. One that springs to mind is boxing. Some times, there is a great deal of chanting in boxing. I am surprised that it has not become an issue on mainland GB. Perhaps, people are just used to it. However, I would have thought that race-related chanting, in particular, is an issue. I am happy to find out otherwise.

I have a query about how enforcement would work in practice. I suppose that it is slightly easier to see offences being committed at big matches that are televised. However, how could the powers ever be enforced for offences that are committed at local matches? As the Chairman said, those matches rely on stewards. As someone who played soccer for years, I know that, even though there may be just 30 or 40 people at some Irish league first-division matches, there can be problems with chanting and abuse. How do you envisage enforcing the powers?

**Mr Johnston:**

As regards boxing and other sports, we will certainly keep under review the range of sports to which provisions apply. If there is evidence that we should include other sports, I would be glad to hear it. Even after the Act is introduced, we would continue to keep its coverage under review.

Enforcement would be much the same as it is for any other part of criminal law. You would look for witnesses' evidence. In that particular case, if you want to bring a prosecution, you would look for evidence from stewards. I do not deny that that presents clubs with challenges. Recently, when racial incidents, in particular, have occurred, we have seen that clubs are committed to tackling misbehaviour and that they endeavour to root it out. The usual arrangements would apply to such incidents just as they would apply to an incident that had occurred in the street or in a home — you would talk to people who had witnessed the incident or who were close by and then you would gather a case together.

**Mr Haire:**

We must also bear in mind that that has to sit alongside safety at sports grounds law, which brings with it a series of requirements for grounds. In fact, many grounds that are listed as having safety certificates, which the proposals would build on, also have CCTV arrangements. Indeed, it is recommended that they have CCTV. Therefore, that facility would also be available.

**Mr Mercer:**

I will go back to the question about why only three sports are covered by the proposals. Mr Haire made a point about the safety at sports grounds legislation. The only grounds that are currently designated are Ravenhill and some football and GAA grounds. No other sports are included in that key legislation. That was the trigger for us to look at those sports ourselves.

**Mr McDevitt:**

Mr Haire, you talked about not using the word “sectarian” as a term in the proposed legislation, and you mentioned the fact that incitement to hatred is already a crime. How many people have been convicted in the past decade for inciting hatred at a sporting venue?

**Mr Haire:**

I do not know. I will find out. I do not think that there have been very many.

**Mr McDevitt:**

I am not sure whether anyone has; that is my point.

**Mr Johnston:**

I suspect that we will not be able to get specific statistics on offences at sports grounds, because the circumstances of offences are not recorded on our database of convictions. We can certainly get general statistics on incitement to hatred.

**Mr McDevitt:**

We undoubtedly have a problem in our sports grounds with people crossing the line between fair banter and exceptionally abusive behaviour. That problem knows no community boundary; it seems to be part of the culture of this place that we know how to overstep the mark. Will the offence of chanting extend to songs?

**Mr Haire:**

Yes, it will.

**Mr McDevitt:**

How will you determine whether a song is offensive?

**Mr Mercer:**

There are two elements to the offence. The first is whether a song is indecent or the words that are chanted are indecent. The other element is whether what is being sung or chanted includes matter that is threatening, abusive or insulting to a person by reason of colour, race, nationality, religion, sexual orientation or disability. That is the way in which the offence will be constructed.

**Mr McDevitt:**

Is political opinion included in the proposals?

**Mr Mercer:**

I cannot remember whether political opinion is expressly included.

**Mr McDevitt:**

I am just being frank. The issues that we are going to have will be to do with people taking offence because of what we hold to be a political opinion or a constitutional opinion. We have a huge tradition of using song. Some songs, ironically, we use in multiple contexts to have a go at entirely different people — I am thinking of one in particular that is sung by supporters of every sporting code on this island and which is used to different effect depending on who is singing it.

I am trying to figure out when we will have effective legislation that will do what many of us wish to be done. However, it should not simply restrict the possibility of legitimate, fair and honest competition and banter between competing fans, which is something, I presume, all of us hold quite dear. Nevertheless, there is a very fine line, and the law must be clear about where it draws that line. I am interested in that specific point because of a famous incident at Parkhead in recent years that had to do with the use of political opinion in songs. I am curious to know what your expert opinion is on that issue.

**Mr Johnston:**

We have looked more at nationality, ethnic origins and religious belief. However, we can certainly ask the draftsman whether it is possible to include political opinion in a way that deals with the objectionable behaviour without capturing any instance of banter that we do not want to criminalise.

**Mr McDevitt:**

My second question is related to the Chairperson's earlier question. What happens if a coach driver pitches up at my local club to take me down to Croker for a club final — St Brigid's is going to make it to the all-Ireland club final some day, I can see it happening — but discovers that we are all drunk?

The way you have explained the legislation suggests to me that we have not committed an offence, because we are already drunk. We are not proposing to bring any liquor on the bus, but we are clearly all not in a fit state. What is the situation in that example?

**Mr Mercer:**

I am not sure whether we can get you on the bus, but the police might stop the bus if you are being particularly rowdy or committing any other offences. Once you get to the sports ground, our new laws should allow you to be prosecuted for being drunk while trying to enter a sports ground.

**Mr McDevitt:**

The serious point is that the legislation will place a duty on the coach driver to refuse alcohol on board the bus, but it will not place a duty on him or her to prevent a bunch of drunk people getting on the bus.

**Mr Johnston:**

We are not placing a duty on them to make an assessment of whether someone is drunk.

**Mr McDevitt:**

I just wanted to clarify that. Thank you very much.

**Mr McCartney:**

It was interesting that none of the coach companies made a presentation. Were they contacted to get their views? There is a responsibility being placed squarely on their shoulders because knowingly allowing alcohol onto a vehicle will be the responsibility of a single driver.

**Mr Mercer:**

Although it did not respond formally to the consultation, we had consultations with Translink, so

we knew its views. We did not receive any responses from any other companies.

**Mr McCartney:**

I understand the framing of the teams that the legislation will apply to, but would it not be better to have it apply to all senior competitions, so that the situation does not arise in which the travelling team playing an Irish cup game or an Football Association of Ireland cup game may not necessarily be a member of the first two divisions? It could be a junior side, but that would be a loophole that could cause problems.

**Mr Mercer:**

I take your point, but as long as one of the teams is a member of the two top divisions, it does not really matter who they are playing.

**Mr McCartney:**

Yes, but if the travelling supporters are the junior side, does it still apply to them?

**Mr Mercer:**

Yes.

**Mr McCartney:**

When this presentation was made to the Committee for Culture, Arts and Leisure, I mentioned that it seemed that ticket-touting was around segregated games only, whereas there are many sporting occasions when crowds are not segregated. There is, therefore, a loophole. In the main, the matches that are segregated are usually the soccer games. Rugby games and GAA games are not segregated, and there could be an issue about ticket-touting in those circumstances. I think we need to look at that as well.

**Mr O'Dowd:**

In general, I am considering whether we require the legislation, because all the offences mentioned — apart from the one relating to transport and drink — are already against the law. I cannot provoke or incite hatred and I cannot throw a bottle at someone, whether I am at a sports ground or not. It all depends on whether — ideally — a PSNI officer witnesses it or a steward or another member of the public is prepared to make a statement against an individual in the sports ground.

I want further clarity on the proposed regulations during transit. Will it be an offence for me to have a bottle of beer on a bus going to and from a match?

**Mr Mercer:**

On a hired bus, yes.

**Mr O'Dowd:**

Regardless of the quantity? A single bottle of beer?

**Mr Mercer:**

Yes.

**Mr O'Dowd:**

Why?

**Mr Haire:**

It is because sport and over-consumption of alcohol do not mix. We want to try to control that potential for over-consumption.

**Mr Johnston:**

It becomes difficult to draw the line if people are allowed one or two bottles each. What if they share their bottle with somebody when they are on the bus? Drawing the line legally becomes very difficult if it is not said that they cannot take alcohol on the shared bus.

**Mr O'Dowd:**

I accept the principle of it, and I accept that there is no requirement for anyone to turn up drunk at a football match or any other occasion, and that alcohol contributes to violence, whether at sporting events or after a Friday night out.

I wonder whether it is draconian to say to a group of supporters who, by and large, behave well, that they cannot have a beer at a match. I use the example of supporters coming home from Croker on all-Ireland Sunday, whether the team has won, lost or drawn, having a beer on the bus. Once they reach the border, they are committing an offence. Laws are always directed against



those who commit offences and who cause problems. However, as we have heard, for the most part, sporting events here pass off without trouble or any form of violence. However, you want to tell people that they cannot take a beer on a bus.

**Mr Johnston:**

A common-sense approach will be taken to the implementation and enforcing of the provision. We expect that stewards and police will focus on situations that are likely to cause danger. There is the potential in going to, for example, Casement Park, that supporters could buy alcohol at the ground. Exactly when it will be available might potentially be restricted. However, we do not seek to outlaw alcohol completely from every sport. We seek to control it, and it can be more easily controlled within the ground. When someone presents at the bar in the club who wants a drink but who has had too much already, it is easier for the club to control the situation than it is on the bus or in the pub before the people got on the bus and when staff did not know where they were going.

**Mr O'Dowd:**

I do not argue for alcohol to be freely available at games. I see no need for it. However, people act responsibly, by and large, when they go to a match and have a few beers after the match. That is fair enough. The vast majority of people behave themselves. However, there are already requirements on the bar staff. If I walk into a bar down the road now or go into the Stormont Hotel drunk, the bar staff should not serve me. I assume that applies to any licensed premises. Someone who is intoxicated should not be served. I am arguing against introducing a law that is designed for a noble purpose but that has wider ramifications and is unnecessary.

**Mr Haire:**

I can say only that this is an issue that some of the sporting authorities brought to us. There is a problem with people on private hire buses loading up with beer, going to football or GAA matches, getting off and perhaps not even going into the game. That is liable to cause trouble. This provision is well supported by the sporting authorities.

**Mr McCartney:**

There are instances of supporters' club buses abiding by a code. When a bus is classified as a "dry bus" but the code is broken, the club will cancel season tickets. That is a bigger sanction than a prosecution, which often hinges on whether it was done "knowingly" and so on. This

provision ties the problem into something wider.

I have been to games where behaviour is strictly controlled. Supporters behaved because, if they are caught by the club rather than the policing authorities, season tickets are at risk. That is a bigger penalty than a £500 fine. That is where we must co-ordinate. As John said, that is how we should co-ordinate to realise the noble idea and enshrine it in the right spirit.

**Mr Johnston:**

We are trying to act in the spirit of the existing legislation for safety of sports grounds. That is where all these proposals are coming from. All I can offer is that we expect a common-sense approach to enforcement.

**Mr O'Dowd:**

Laws are in place to deal with those aspects. This provision deals, specifically, with people being transported to and from a match drinking alcohol on a bus. If a police officer pulls over that bus and discovers half a dozen tins of beer, he can prosecute. The fans cannot protest that the officer is not taking a common-sense approach. If a coach pulls up outside a sports ground and people get off the bus intoxicated, they are committing an offence as it is. People cannot be intoxicated in a public place. The police can do people for that.

My last point concerns equality screening. The submission states:

“Our view is that the proposals are fair, proportionate and non-discriminatory and that an EQIA is not specifically needed.”

I have no doubt that you think all those things, because I am sure that you are very fair and proportionate people. However, an equality impact assessment is meant to ensure that the proposals are equal and that the equality mechanism screens out any discrimination. Therefore, I am not satisfied by being presented with a paper stating that you think it is fair enough. That is not how it works.

**Mr Johnston:**

There will be an equality impact assessment done on the whole Bill, including those provisions, and that will be consulted on over the summer. We did our screening and that is our opinion. You can agree or disagree, but we will be going out with an equality impact assessment for the

whole Bill.

**Mr O'Dowd:**

I am not necessarily disagreeing; I am saying that that is not how it works.

**The Chairperson:**

We will stop there. I thank Gareth, Tom and David for their presentation. Committee members will have the opportunity to look at the provisions again when we look at the Bill in detail, so if there are other things that we want to say or do, we will have a further opportunity then.

**Mr Johnston:**

Thank you.