

Proposed Football (Strict Liability) (Scotland) Bill

Page 2: About you

Are you responding as an individual or on behalf of an organisation?

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Commercial organisation (company, business)

Please choose one of the following; if you choose the first option, please provide your name or the name of your organisation as you wish it to be published.

I am content for this response to be attributed to me or my organisation

Name or Name of Organisation

Berwick Rangers FC

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

[REDACTED]

Page 7: Your views on the proposal

Q1. Which of the following best expresses your view of the proposal to introduce strict liability for football clubs in Scotland?

Fully opposed

Please explain the reasons for your response

Berwick Rangers FC is very concerned about the potential cost implications of this proposal. It is suggested that the issues at the heart of this legislation are more commonly associated with some of the bigger clubs in Scotland. Introducing strict liability would cause Berwick Rangers FC great difficulty when hosting one of these bigger clubs in a cup competition. Even if we were able to demonstrate that we had taken all reasonable steps to prevent supporter misbehavior, we would be held liable for any misbehaviour

Q1. Which of the following best expresses your view of the proposal to introduce strict liability for football clubs in Scotland?

by visiting supporters. This is inherently unfair we struggle to comprehend why this would discourage visiting supporters from engaging in such behaviour.

Q2. Could the aims of this proposal be better delivered in another way (without a Bill in the Scottish Parliament)?

Yes (if so, please explain below)

Please explain the reasons for your response

Berwick Rangers FC welcomes the unacceptable conduct rules recently introduced by the SPFL. Given these rules have only recently been introduced, it is our view that government intervention is not required. Sectarianism is an issue not restricted to football and there are many other possible ways of tackling the problem. It is suggested that increasing costs for already cash-strapped Scottish football clubs, a number of whom do a great amount of work in the community, is not one of them.

Q3. What do you think would be the main advantages, if any, of holding clubs responsible for the behaviour of their supporters?

Clubs can already be held responsible pursuant to the SPFL unacceptable conduct rules if they cannot demonstrate that they have taken all reasonably practicable steps to prevent misbehaviour.

Q4. What do you think would be the main disadvantages, if any, of holding clubs responsible for the behaviour of their supporters?

Not applicable - The clubs are responsible in terms of the unacceptable conduct rules, the SFA disciplinary regime and the SFA disciplinary regime.

Page 11: Behaviours and sanctions

Q5. If there is to be a system of strict liability, which of the following behaviours do you think should be covered (choose all that apply)--

Please explain the reasons for your response

There should be no system of strict liability. There is already a detailed and effective system for dealing with all types of Unacceptable Conduct in Scottish Football. this includes all of the above and more types of misconduct.

Q6. If there is to be a system of strict liability, which of the following sanctions do you think should be available (choose all that apply)--

Please explain the reasons for your response

We have not responded as there should be no such system. Of strict liability. The Scottish FA Judicial Panel Protocol and the SPFL Rules already make provision for all of the above and more types of sanction.

Page 13: Financial implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly costneutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Football clubs	X					
(b) Football supporters and other individuals	X					
(c) Scottish Government and public sector bodies (such as Police Scotland)						X

Please explain the reasons for your response.

(a) Football Clubs A system of strict liability would leave us open to crippling and business ending costs arising from the visit to our Home ground of a bigger Club with a large travelling support which engaged in Unacceptable Conduct. We could do nothing to stop it and our security and police could not and would not intervene leaving us with an open ended liability for misbehaviour for which we had no responsibility and about which we could do nothing. (b) Football supporters and other individuals Ultimately the supporters who buy entrance to matches would have to meet the financial liability for sanctions. (c) No comment

Page 14: Equalities

Q8. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation?

Neutral (neither positive nor negative)

Q9. In what ways could any negative impact of the proposed Bill on any of these protected characteristics be minimised or avoided?

No Response

Page 16: Sustainability of the proposal

Q10. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Unsure

Page 17: General

Q11. Do you have any other comments or suggestions on the proposal to introduce strict liability for football clubs in Scotland?

Berwick Rangers FC strongly opposes this proposal.