

# Proposed Football (Strict Liability) (Scotland) Bill

## Page 2: About you

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

an individual

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".)

Member of the public

Please select the category which best describes your organisation

*No Response*

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**

Robbie Castle

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.

## 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 Supportive

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**Please explain the reasons for your response**

Strict Liability is the next natural step in tackling sectarianism and bigotry in and around Scottish Football. With clear and coherent rules in what is acceptable and what is not acceptable for Scottish football supporters, we can take strides as a country in tackling in what has been a blight on the game for too many years! It will encourage clubs to take tougher sanctions against repeat offenders. Supporters could

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

be more reactive to the prospect of the club in which they invest in both emotionally and financially being punished if they behave in a bigoted, homophobic, sectarian or racist fashion.

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)

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**Please explain the reasons for your response**

The SFA/SPFL should find a way of having clubs voluntarily sign up to this process, with an input from the Scottish Government, and Committees. This process would allow all parties to sit down, and discuss the future of our game and how we can collectively tackle the challenges it has faced over the years around bigotry. Strict Liability should be both strong, clear but fair! Having clubs and the FA discuss and create policy, with the input of supporters from club to club would ensure a Strict Liability that addresses the needs and concerns of all parties. While not on the national statute book, this would be on the SFA's statute book. This method would also prevent the mild risk of the Scottish game of running foul of FIFA's Interference rules.

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

With clear and coherent rules in what is acceptable and what is not acceptable for Scottish football supporters, we can take strides as a country in tackling in what has been a blight on the game for too many years! It will encourage clubs to take tougher sanctions against repeat offenders. Supporters could be more reactive to the prospect of the club in which they invest in both emotionally and financially being punished if they behave in a bigoted, homophobic, sectarian or racist fashion.

Strict Liability is already adopted by UEFA in continental tournaments, where in Germany Borussia Dortmund's Yellow Wall has been closed off for games, as well as clubs being forced to play behind closed doors for repeat supporter offences.

Strict Liability would ensure that Scottish Clubs take security even more seriously than they do, if aware that they are culpable for their supporters misdemeanours.

Strict Liability would reduce the need for Laws such as the OBFA - the vagueness of what constitutes offensive behaviour has created an element of distrust between supporters and the police. Strict Liability with a clear set of guidelines would support pre-existing anti-sectarianism/racism bills, and help in the fight against bigotry in football.

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

Initially, it could come as a shock if an entire club has sanctions enforced upon it due to the actions of a small group of supporters.

## 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)--

The invasion or attempted invasion of a field of play

The throwing of objects

The lighting of fireworks or any other incendiary objects

The use of laser pointers or similar electronic devices

Violent or threatening behaviour

Abusive or offensive language or messages (including verbal abuse of any person by reference to their race, sex, sexual orientation, religion or belief or disability)

Acts of damage

Disorder in or near the stadium

### Please explain the reasons for your response

RE. point on abusive language - Certainly include the mentioned terms in any strict liability bill, ie the verbal abuse of any person by reference to their race, sex, sexual orientation, religion or belief or disability, however make it clear and not open to interpretation. Profane language often comes as part of the game, and can often be seen as "banter" between supporters, so providing that it is not in relation to the above terms, a club or supporters should not be sanctioned for use of its most basic use.

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)--

Warning/reprimand

Fine

Ban on selling tickets to supporters for away matches

Competition-specific penalties (e.g. deduction of points; withdrawal of title; disqualification/exclusion)

Playing of a match behind closed doors (i.e. fans not able to attend)

Partial stadium closure (i.e. certain sections of a stadium closed to fans)

Playing of a match in a neutral stadium

## 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				

## 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?

Positive

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

already mentioned in previous answers

## 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?

Yes

## Page 17: General

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

*No Response*