Dear Convenor (Margaret Mitchell MSP)

F.A.O – Justice Committee

**Topic:** The Offensive Behaviour at Football and Threatening Communications Act (Scotland) 2012 is incompatible with the Human Rights Act 1998.


On Tuesday October 24th BEMIS Scotland gave evidence to the Justice Committee on the bill put forward by James Kelly MSP to repeal the Offensive Behaviour at Football and Threatening Communications Act (2012).

In the final part of our verbal submission BEMIS Scotland made the comment that;

‘From our perspective, that variation in justiciability is a strong argument that the 2012 act, and particularly section 1, is incompatible with the Human Rights Act 1998”.

BEMIS Scotland believe that the use of the Act should be suspended until such time as the committee and parliaments deliberations on the repeal bill are complete.

Additionally we note that the Scottish Parliament voted in November 2016 to repeal the Act. As an Equalities intermediary partner to the Scottish Government and an organisation who has worked closely with both Police Scotland and the COPFS we are firmly of the belief that they should suspend use of the Act and utilise alternative, well founded common law approaches covering hate crime and public order issues.

Furthermore, the Bracadale review into hate crime legislation must be conducted with transparency and independence. From an equalities and human rights perspective it is inappropriate for the Bracadale review to provide an additional mechanism for reviewing the Act when parliament has enacted a clearly sufficient process.

Additionally, given that the Act is not primarily a piece of hate crime legislation and that the esteemed Lord Bracadale has presided over the leading case in relation to the Act it seems a matter of natural independence that Lord Bracadale should not be expected to review contentious legislation that is being reviewed by parliament and within which he has presided over leading cases.

The Independence of the executive, parliament and judiciary are fundamental for the appropriate mechanisms of a democratic state and this example provides a clear opportunity for the parliamentary function with the statutory locus to this review to be allowed to progress its work as the primary democratic function.

Following the Justice Committee meeting BEMIS were provided with additional evidence in relation to

2 See Donnelly and Walsh vs Proc Fiscal Edinburgh outlined in this correspondence
• the stated case by Sheriff Michael O’Grady QC in relation to Martin Walsh and William Donnelly against The Procurator Fiscal, Edinburgh³.

• An example of a Police Scotland Internal match briefing document obtained as an FOI request in relation to a Scottish Premier League fixture in season 2016/17⁴. (see note 4 and Annex A (2))

• Analysis of a non-consensual ‘Stop and Search’ of 20-30 under 21’s which took place on the 01/10/15 in relation to a football match; Celtic vs Fenerbahce

It is our view that the review of this Act must move beyond a routinely philosophical debate about unsubstantiated perceptions or ‘how people feel’ and ascertain its continued legal validity in relation to actual cases, experiences and outcomes in tandem with our shared equalities and human rights aspirations and obligations.

The implications for the future of criminal law and policing which will be utilised to challenge hate crime ensures that the issues highlighted in this letter both in terms of procedure, legality and public interest are of sufficient concern to warrant the attention of this committee in the context of application of the Football Act.

³ See Annex A (1)
⁴ See Annex A (2) We firmly draw the committees attention to Annex 6 of the document included which covers relevant statutory legal instruments for policing football matches. We note that the Football Act is not referenced anywhere as relevant legislation.
We believe the outcome of this review has serious implications for the future of criminal law in Scotland and the checks and balances which should ensure justice and equality before the law is placed above politics, power or self-interest.

Following a review of this additional evidence and the evidence which has so-far been available in the public domain and provided to the Justice Committee BEMIS maintain their position that the current Football Act breaches, as a minimum, the following convention rights contained within the Human Rights Act 1998.

- Article 7 – No punishment without law

**Article 7: No Punishment without law**

1) *No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed*.

As BEMIS outlined in our written and verbal submissions to the committee we have noted in the Lord Advocates guidelines that the contested social concept of ‘sectarianism’ is a term not defined in Scots and law and currently has no legal character.

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5 Human Rights Act 1998 – Schedule 1 – Part 1 Article 7
6 Human Rights Act 1998 c. 42 SCHEDULE 1 PART I Article 7
“The offence does not refer specifically to sectarian behaviour as the term is not defined in Scots law”7.

Furthermore the guidelines re-iterate our concern (highlighted in writing and verbally to the justice committee) that the ‘offense to a reasonable person’ is to be judged at the discretion of individual police officers.

“It is a matter for the judgement of a police officer, at the time of the commission of the offence, having regard to the nature and words of the song, including any non-standard lyrics or “add ons”, the surrounding circumstances and the context in which it is being sung, to determine whether a song or lyrics are threatening or expressing hatred”8

Citing the Donnelly and Walsh case as high level indicator of primary concern about the compatibility of the Football Act with the Human Rights Act we note the following;

- Their charges under section 1 of the act covering ‘offense to a reasonable person’ are almost entirely predicated on the analysis of a song, by individual police officers, that they have participated in being “sectarian” and therefore likely to incite a reaction.

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7 LORD ADVOCATE’S GUIDELINES ON THE OFFENSIVE BEHAVIOUR AT FOOTBALL AND THREATENING COMMUNICATIONS (SCOTLAND) ACT 2012
8 Ibid
• The Article 7 breach is assessed in relation to the song ‘The Roll of Honour’ and whether indulging in this behaviour could be construed as ‘threatening or offensive and thus render them liable to criminal conviction and sentence’

• It is unclear as to how the contested social concept of sectarianism (not defined in Scots law) can play a role in defining the charge progressed or court decision given the Lord Advocates Guidelines that sectarianism is effectively a redundant legal concept and the charges in this case were not to do with “sectarianism” but whether by singing an offensive song they might provoke a reaction.

From the stated case written by Michael O’Grady QC covering the evidence provide by Eleanor Murdoch of Police Scotland available as an additional attachment;

“It is widely regarded as sectarian and offensive, a fact which was recognised not only by the Police but by the official Celtic supporter’s organisation and by the club itself” (see note 9 – this claim remains unsubstantiated)

“In my view it is well within judicial knowledge that a song such as this is regarded as sectarian and that the singing of it in the context of a football match is more than likely to cause offense, disorder and violence”

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9 The words to ‘The Roll of Honour’ are included in an additional annex to the body of this communication
11 BEMIS sought to substantiate this assessment as to best of our knowledge no statutory body or key organisation such as a football club or fans group, Police Scotland or the COPFS have provided what they consider to be a list of ‘sectarian’ or ‘proscribed’ songs. This reflects our understanding the term “sectarianism” remains highly contested. We were unable to substantiate the assertions of the witness in this example.
Lord Carloway in his written judgement to the stated case illuminates the consideration of the court in relation to the specifics of the Article 7 challenge and the Roll of Honour;

“The rather unusual point raised in the appeals, in so far as leave has been given, is whether the appellants’ rights under Article 7 of the European Convention (No punishment without law) have been infringed, not by reason of the definition of the offence under section 1 being incompatible on account of uncertainty, but because the appellants might not have appreciated that their rendition of the song “The Roll of Honour” could be regarded as threatening or offensive and thus render them liable to criminal conviction and sentence”.

In addition Lord Carloway in his summary remarks concludes;

“The short point here is that it is firmly established in law, and incidentally very well-known, that singing songs of a sectarian nature at football matches is likely to be a criminal act”.

The Offensive Behaviour at Football at Football and Threatening Communications Act (Scotland) 2012 appears to have created a criminal charge that;

- Does not require substantive evidence to prove that the behaviour deemed to be criminal is such beyond the opinion of an individual Police Officer who

12 Donnelly and Walsh vs Proc. Fiscal (Edinburgh) - APPEAL COURT, HIGH COURT OF JUSTICIARY 19/03/2015
13 Ibid
decides that behaviour is “sectarian” even when the charge libelled is not a hate crime aggravation of any type.

- The Court in these cases does not need to be satisfied, beyond the ‘expert’ explanation of an individual Police Officer that the behaviour following as a result of the unsubstantiated “sectarian” behaviour ‘is likely or would be likely to insight public disorder’. I.e. No violence or disorder need take place and no victim make a complaint.

Furthermore Lord Carloway in his final analysis comments;

“There is no blanket ban on singing sectarian songs and the appellants are at liberty to indulge their desire to do so at many alternative venues. There is, however, a prohibition on doing so at football matches for the reasons outlined in the policy memorandum to the Bill (supra). Indeed, the type of conduct here is precisely what the law is aimed at”.

The implementation of the law has precipitated the interchangeable use of the words ‘sectarian’ and ‘offensive’. This enables individual Police Officers to progress section 1 2(e) charges covering offense to a reasonable person founded on that ‘offense’ being taken because something is ‘sectarian’.

The fact that the genesis of the offense need not be substantiated in court using any legal concepts which are based in facts of law should be of considerable concern to
the committee, parliament and society in general. This seems to have created the wide variations in judgements across sherifdoms for ‘similar’ offences.

It is inconceivable that the implementation of this particular law which has extended the reach of the criminal law onto the ability of individual Police Officers to interpret contested social concepts behind a veneer of tackling hate crime has not warranted forensic analysis by either the Scottish Human Rights Commission or the Equality and Human Rights Commission.

Indeed we have noted that the Equality and Human Rights Commission in their submission to the committee outline that;

“Overall statistics for hate crimes for 2016-17 report that there were over 5700 charges were reported to the Crown Office and Procurator Fiscal Service of Scotland (COPFS). There were 377 charges (6% of the total) under section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act, 32 percent higher than in 2015-16 and the highest annual number of changes reported since this legislation came into force

This would suggest that the Act has had some impact in raising the awareness and providing some additional tools in the prosecution of these type of offences and in tackling sectarianism.”

14 Equality and Human Rights Commission – Submission to the Justice Committee on the Repeal of the Offensive Behaviour At Football and Threatening Communications Act (Scotland) 2012
As BEMIS outlined during the verbal submission to the Justice Committee;

- 18% of the 377 charges progressed by the COPFS in 2016/17 can be identified as hate crime charges covering religious, racial, sexual orientation and disability hate crimes as defined in pre-existing common law.

- 15% of 377 charges related to aggravations that were either anti-Catholic or anti-Protestant

- 75% of the religious aggravation charges were anti-Catholic

- 14% of the religious aggravation charges were anti-Protestant

- 1% were Islamophobic

- 0% - zero charges related to anti-Semitism

It is therefore astonishing that the primary policy narrative accompanying the Act is as follows;

a) The Act tackles sectarianism or hate crime as a primary function

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15 Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 in 2016-17 Pg.17
16 Ibid
17 Ibid
18 Ibid
19 Ibid
20 Ibid
and

b) No concern has been raised about a breath-taking expansion of the criminal law21.

The other case cited by BEMIS in our written and verbal submissions was that of Adam Richmond vs Proc. Fiscal. In this case Mr Richmond expressed a derogatory opinion about the UK head of state and leader of the global Catholic community. Ironically in this instance the words which precipitated a criminal law response can actually be easily identified as a religious aggravation;

1) F*** the Pope
2) F*** the Queen

What is unique to this case however is that despite finding Mr Richmond guilty under the provisions of the Act he was fully admonished, receiving no criminal record with accompanying rationale from Sheriff Norman Ritchie that;

“You are not the sort of person who creates the problem and needs this legislation.”

The credibility of so-called ‘anti-sectarianism’ legislation and the implications of the broader legal and social impact of such broad variations between Richmond, Donnelly

21 Liberty Submission to the Proposed Football Act (Repeal) (Scotland) Bill – October 2016 “The offences set out in the Act, however, extend the reach of the criminal law too far into the realm of free expression without offering meaningful additional protection”
and Walsh have created a manifestly absurd situation where obvious intra Christian religious aggravations are admonished under this Act while ambiguous, unsubstantiated, ‘offense’ articulated via the contested social concept of ‘sectarianism’ based upon an individual police officers analysis via a term with no legal character are the subject of Crown Office appeals. There is no other criminal law statute which facilitates such a lack of clarity to the accused or remedy to imaginary victims.

To conclude on the substance of the point of the Article 7 incompatibility of the Football Act;

- The Donnelly / Walsh appeal in relation to Article 7 responds to the challenge that they could not have known that singing the Roll of Honour would result in a negative reaction from the crowd not section 1 in its entirety. In this case the actual physical manifestation of response was ‘booing’ from opposition fans. Not uncommon in any sporting environment or indeed Christmas pantomimes.
- This negates the fact that the principle backbone of their (Donnelly and Walsh) charges are also predicated on the assertion by the Police evidence and judge’s summary that the song in question is ‘sectarian’.
- There is no evidence provided to outline why the song is ‘sectarian’ and it is difficult to ascertain how this could be permissible given the Lord Advocates guidelines. Indeed no statutory body is willing to provide guidelines on what does or doesn’t constitute a breach of the Acts provisions.
- The Lord Advocates guidelines explain that charges do not pertain specifically to sectarian behaviour as the term is not defined in Scots law
• Lord Carloway explains that singing ‘sectarian’ songs can be done to the appellants ‘hearts content’ in other venues

• Richmond has clearly sung a ‘sectarian’ song in a traditional intra-Christian interpretation of the common law section 74 of the Criminal Justice Act Scotland (2003) religious aggravation but is fully admonished under the Football Act with no criminal conviction. Furthermore, if Richmond is charged, found guilty and subsequently admonished under the Act it is fundamentally unclear how this stand-alone example is compatible with Article 7 in itself beyond the comparative analysis between Richmond and Donnelly/Walsh.

• To be charged under Section 12 (e) of the Act covering general offense to a reasonable person charges are almost entirely predicated on the interpretation of a series of individual police officers who analyse offense via a contested social concept with no legal character. No victim need make a complaint and no offense need necessarily be taken.

• It is highly concerning that contested social concepts which do not reflect existing common law hate crime aggravations are being re-cast as hate crime aggravations via the criminal justice system with no equalities or human rights over-sight. On the contrary key-stakeholders appear to be unintentionally participating in this unguarded evolution of the law by repeating assertions which are not represented in the COPFS dissemination of stats. This represents a collective failing of key stakeholders to appreciate the breadth of this legislation, its impact currently on society and its potential impact on the evolution of law within an equalities and human rights context.
How individual members of society are able to assess the potential response of a Police Officer based upon a contested social issue then categorised as generally offensive does not provide clear guidelines, boundaries or rationale as to how, why, where and when a crime may be committed.

Lord Carloway’s further expansion that

‘There is no blanket ban on singing sectarian songs and the appellants are at liberty to indulge their desire to do so at many alternative venues’.\(^{22}\)

Alludes to a further ambiguity inherent in this Act around its purpose, validity and scope.

Given that we know that 99%\(^ {23}\) of hate crime aggravations in 2016/17 took place outside of the scope of the Act’s provisions it remains a mystery why the football act is routinely described as hate crime legislation. We repeat fact that hate crime charges constituted 18% of charges in 2016/17 all covered by pre-existing legislation.

This concern that unsubstantiated allegations of hate crime are being attributed to otherwise law abiding citizens has been routinely articulated by BEMIS throughout the deliberations in relation to the Act. To date we have utilised the statistical outputs from

\(^{22}\) Donnelly and Walsh vs Proc. Fiscal (Edinburgh) - APPEAL COURT, HIGH COURT OF JUSTICIARY 19/03/2015
\(^{23}\) There were 5,325 Hate Crime charges in Scotland in 2016/17. This figure combines all of the charges disseminated by the COPFS in relation to Racial, Sexual Orientation, Disability, Transgender and Religious Hate Crime. Of these 5,325 charges 66 took place at football. These stats are available at the COPFS website and the publication is entitled – Hate Crime in Scotland 2016-17
the COPFS to evidence this rationale. We provide further evidence of this in a procedural and policing by consent context in Annex A (3). We remain deeply concerned that incidents such as the one outlined in this example fundamentally undermine both our ability to tackle hate crime and corrupt key relationships with Police Scotland in relation to the Act.

Our conclusion that this Act is incompatible with the Human Rights Act 1998 has been reinforced via our interpretation of the acts implementation and jurisprudence emanating from Scottish courts in relation to the Acts provisions with particular emphasis on section 12 (e) covering generally offensive behaviour.

We feel it is prudent to advise key stakeholders of this assessment as the Parliament reviews the Act in order to assess the actual substance of the acts implementation beyond unsubstantiated perceptions avoiding both miscarriages of justice hidden within the broad scope of the act and the potential liability in reference to a judicial finding of incompatibility with the Human Rights Act 1998.

With best wishes,

 Danny Boyle

Parliamentary and Policy Officer
BEMIS Scotland
06/11/17
My Lords,
Martin Walsh and William Donnelly appeared before me for trial at Edinburgh Sheriff Court on 16 October 2014. Each appeared on a separate, but identical complaint and by agreement the complaints and hence the trials were conjoined. In each case the complaint was in the following terms:-

“On 19 October 2013 at Easter Road Stadium, Albion Place, Edinburgh you... being a person within a ground where a regulated football match is being held, did engage in behaviour of a kind described in section 12(d) and (e) of the aforementioned act, which is likely or would be likely to insight public disorder, in that you did sing a song in support of a proscribed terrorist organization; contrary to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, section 1(1)”.
I found the following facts admitted or approved:-

1. On Saturday 19 October, 2013 there took place a regulated football match between Hibernian Football Club and Celtic Football Club at the Hibernian Stadium at Easter Road, Edinburgh.

2. Both appellants were in attendance. Both appellants were Celtic supporters. Both appellants occupied seats side by side in the upper tier of the south stand of the stadium.

3. At around 12.37 both appellants (along with a number of others adjacent to them) began to sing a song called “The Roll of Honour”. This song concerns and is in support of 10 IRA and INLA members who starved themselves to death in the course of a hunger strike at the Maze Prison near Belfast in 1981. The IRA and INLA are both proscribed organisations.

4. The appellants were seen by 2 police officers and recorded on CCTV as singing the first and last verses of the song.

5. The first verse is in the following terms:-
   “Read roll of honour of Ireland’s bravest men
   We must be united in memory of the 10
   England you’re a monster, don’t think that you have won
   We will never be defeated while Ireland has such sons”

6. The last verse is in the following terms:-
   “Michael Devine from Derry you were the last to die
   With your 9 brave companions with the martyred dead you lie
   Your souls cry out “remember, our deaths were not in vain”
   Fight and make our homeland a nation once again”

7. The singing of the song provoked boos from Hibernian fans in the stand opposite.

8. The singing of this song by the appellants was likely or would be likely to incite public disorder.

9. The appellants behaviour was a breach of section 1(1) of the Act libelled in the complaint.
Note
The appellants Martin Walsh and William Donnelly are Celtic supporters. On Saturday 19 October 2013, they attended a match at Easter Road Stadium between Hibernian Football Club and Celtic Football Club. The evidence against them came from 3 sources – Police Sergeant Eleanor Murdoch, Police Constable Kenneth Halliday and CCTV footage of their behaviour.

Police Sergeant Eleanor Murdoch is 48 years of age and has 20 years police service. At around 12.37 on the day of the match she was on duty along with her colleague Constable Kenneth Halliday at the south-east corner of Easter Road Stadium. She was there as part of her duties as a member of the Football Coordination Unit. This is a specially trained group of officers who are assigned to deal with football related matters including violence and disorder at football matches. *Inter alia*, they attend at football matches and gather evidence of offensive behaviour both inside and outside stadia. At the material time Sergeant Murdoch and her colleague were watching the south stand. This has 2 tiers and at the time was entirely occupied by Celtic supporters. She noted a group of supporters and in particular the 2 appellants, singing a song “The Roll of Honour”. The appellants were seen by her to sing at least the first and final verses of the song, the words of which are set out in my findings in fact. She gave evidence that this is a song in support of 10 hunger strikers who starved themselves to death in 1981. All the hunger strikers were members either of the IRA or INLA, both proscribed organisations. She was very familiar with the song for a number of reasons. First, she had been born and brought up in the east end of Glasgow and had lived there for 30 years and was therefore well acquainted with the song’s history and cultural significance. Next, as part of the Football Coordination Unit she had received training about the context and significance of the song; it was widely regarded as sectarian and offensive, a fact which was recognized not only by the police but by the official Celtic supporters organization and by the Club itself. There was a long history of cooperation between her unit, the official Supporters Club and the management. Both of these organisations endeavoured to dissuade supporters from singing it. Warnings about sectarian songs were broadcast before matches, and both the Club and supporters’ websites warned fans of the undesirability and danger of singing this song, among others. Her 4 years’ experience in the unit had taught her that this song and other sectarian songs are likely to cause disorder. She opined that “people get uptight, annoyed and angry – there is no place for it in a football game”. Further, in this particular
instance, as a matter of fact she heard the song provoke boos from the Hibernian supporters in the stand opposite and was able to direct the court to the sound of booing recorded on the CCTV footage of the incident. Having seen the appellants behaving in this fashion, she contacted the Match Commander by radio and, after discussion, it was agreed that the appellants would be arrested upon leaving their seats. Instructions were given to 2 other officers to do so and in the event Sergeant Murdoch had no personal contact with the appellants.

The court then heard from Police Constable Kenneth Halliday. He is 48 years of age and has 20 years police service. He too was a part-time member of the Football Coordination Unit. He was working with Sergeant Murdoch that day and his evidence very much mirrored hers. He explained that his presence there was to deal with football related disorder, violence and sectarianism. He too was familiar with the context and words of the song “Roll of Honour” and confirmed that he had seen both accused signing the song. He confirmed that having seen the appellants’ behaviour he and Sargent Murdoch liaised with the Match Commander and arranged for the appellants to be arrested upon leaving their seats.

The third source of evidence was the CCTV footage itself. This showed the appellants in the middle of the upper tier of the south stand. Each was dressed in clothing of green, which clothing appeared to broadly relate to the Celtic Club colours. They could be seen side by side in a group of about 15 or 20 supporters all of whom were singing the song. They could be heard singing loudly and lustily. Furthermore, at one point boos can be heard coming from off screen, which were clearly a reaction to the singing of the appellants and their companions, as spoken to by Sergeant Murdoch.

**Grounds of Appeal**

The first ground appears to be that there was no corroboration of the fact that the singing of the song in question was “likely or would be likely to insight public disorder. I infer from the terms of the ground that it is suggested that there was only one source of such evidence. This is entirely wrong. There were at least 3 sources of evidence.
The first source of evidence was, of course, Sargent Murdoch. She gave evidence (on one view it might be described as expert evidence) of her involvement with the specialist unit, her knowledge of the nature and context of the song and her view and indeed experience that the singing of this song (and its like) can lead to disorder and violence. Further, she gave unchallenged evidence that this is a view shared by the Club itself and its official supporters who, in conjunction with the police, take what action they can to discourage supporters from acting in this way.

The second source of evidence is Constable Halliday. I accept that Constable Halliday did not in his evidence say in terms that the singing of the song was likely to lead to public disorder; however, unless one is to take the view that the appellants were being arrested for no reason, it was clearly implied that he was acting in his specialist role that day (namely to prevent violence and disorder) and that in arranging for the arrest of the appellants he was doing so on the basis that their actings in singing the song fell into this category. There is no other explanation for his actions in the course of his duties.

The third source of evidence was the unchallenged CCTV footage of the appellants’ behaviour. During the course of this footage they can be seen vigorously singing the song and there can be heard on the footage (as pointed out by Sargent Murdoch) booing from off camera which is clearly in response to the song.

Finally, the ground of appeal ignores the question of judicial knowledge. If – as I have one - has been born and bred in Glasgow; and if – as I have - one has practiced in the criminal courts in this jurisdiction for 35 years in one incarnation or another, and sat upon the shrieval bench for 14 years (7 of them in Glasgow), in my view it is well within judicial knowledge that a song such as this is regarded as sectarian and that the singing of it in the context of a football match is more than likely to cause offence, disorder and violence. Indeed, that is the very mischief srutck at by this piece of legislation. I have presided over trials without number where an accused has been charged with the breach of the peace by making a sectarian remark or singing a sectarian song in a football context. It has never in my experience been argued that it was necessary to lead direct evidence that such an act was likely to cause disorder; such an element has always been regarded as well within judicial knowledge.
Accordingly, in my respectful view, there was ample evidence from which the court was entitled to infer that the statutory test was satisfied.

The second ground of appeal is that the conviction is somehow struck at by article 7 of the European Convention on Human Rights, as incorporated into domestic law by the Human Rights Act 1998. It appears to be conceded that the legislation is not per se incompatible with article 7 but rather that in some way it would not have been clear to the appellants that the behaviour labelled would result in criminal charges. I regret I do not understand this submission. First, as I have noted, it is conceded that the legislation is compatible with article 7. Secondly, in my view the terms of the section are as plain as a pikestaff. There is no difficulty in an accused person knowing that the IRA and INLA are a prescribed organisation. It is not suggested that the court was not entitled to infer from the words of the song and the circumstances of its singing that it was in support of such proscribed organisations. The issue (so far as I can ascertain) appears to be that “it is submitted that the singing of the song is not of such an obvious nature that those singing it in the circumstances in which they were would have been aware that they were committing a criminal offence”. I surmise that it is being suggested that the remaining element of the section namely that the action “is likely or would be likely to insight public disorder” could not in the circumstances possibly be known to the appellant. My first observation is that I am not at all satisfied that the legislation requires the Crown to prove that the appellants knew or ought to have known that disorder was likely to flow from their actions. The legislation simply requires that as a matter of fact the court can infer such. It may be that that point is covered by the concession that the legislation is not per se in breach of article 7. Turning to the particular circumstances however, the evidence was to the effect these are 2 young men from the west of Scotland who attended a football match supporting Celtic Football Club, and who are sufficiently acquainted with the historical and cultural context of that support that they know, by heart, the words of a song in support of 10 Irish hunger strikers. The suggestion that it would therefore come as a surprise to the appellants that such behaviour should be caught by this section is, frankly, preposterous.

The questions for your Lordships are as follows:-
1. Was I entitled to repel the submission of no case to answer?

2. Was I entitled on the evidence stated to convict the appellants?

3. In the particular circumstances of the case with the appellants' right to know with sufficient clarity of the nature of the crime in terms of article 7 breach?

Humbly reported by

Sheriff of Lothian and Borders

EDINBURGH, December 2014
Annex A (2)

Appendix 6 of this document is of interest given that the Football Acts provisions are conspicuous by their absence as a relevant piece of legislation for policing this fixture.
ND/003/17

Tayside Division

SPFL Premiership Football Match
McDiarmid Park, Perth

St Johnstone FC v Celtic FC

Sunday 5th February 2017
Kick Off: 1230

Category: 

Last updated Friday, August 04, 2017
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Subsection headings considered exempt from disclosure
Information

Fixture

On Sunday, 5th February, 2017, a Premiership fixture will take place at McDiarmid Park, Perth, between St Johnstone FC and Celtic FC.

Kick Off will be at 1230 hours and a crowd of 7,000 to 8,000 is anticipated, with 4,000 to 5,000 away supporters.

This fixture has been classed as category X and will be televised live on Sky Sports.

Entry to the ground will be by season ticket and match ticket at the turnstiles.

It can also be expected a section of Celtic FC supporters will attend the match without a ticket and resort to watching the match in local public houses.

A newly rolled out traffic management plan will be in operation for this fixture (please refer to Appendix 2 for full details).

It was introduced for the midweek match against Rangers FC on Wednesday, 28th December, 2016, and worked well with limited residual traffic, dispersing 75 to 80 coaches in 20 minutes.

The plan, however, is likely to face a more rigorous test due to a significant increase of residual traffic on the day, especially at the end of the match.

The Police Match Commander is Chief Inspector xxxxxxxxxx D9435 (ISSI xxxxxxxx or Tel. No. xxxxxxxx).

Intelligence

A pre match intelligence document has been prepared in respect of today’s fixture and any relevant intelligence will be provided during briefing.

Further subsection(s) considered exempt from disclosure
Intention

Strategic Intentions

The overarching objective of the policing operation is Keeping People Safe. This applies not only to those attending or participating in the event but also the wider community within Tayside Division.

The Strategic Intentions of the Police operation are to:-

- Maximise public safety and minimise disorder
- Provide an effective, proportionate and professional police response to the event, including the targeting of criminality and antisocial behaviour
- Provide public reassurance and maintain community confidence
- Minimise the impact on the community and facilitate the return to normality as soon as reasonably practicable at the conclusion of this event
- Minimise the risk to police officers involved in the policing of the event
- Minimise the impact on the road and transport network
- Maximise the gathering and dissemination of intelligence

Where necessary, ensure the activation of any relevant contingency plan and coordinate the resulting emergency services response.

Arrest Policy

Our interactions with the public must always reflect the force values of integrity, fairness and respect. We will engage positively with the public projecting the professional and reassuring image of Police Scotland. We should always be aware of the need for heightened vigilance and be prepared to make proactive or reactive interventions when required.

Officers will not eject persons from the venue but will, if required, support stewards undertaking this role. If a criminal offence is committed, officers will intervene and, if appropriate, arrest those responsible.

Any arrest must be legal and proportionate. The level of force used to execute an arrest must be no more than the minimum required in the circumstances to achieve that lawful objective and officers must be able to fully justify their actions.

In some circumstances it may be unsafe or otherwise inappropriate to make an arrest at the time of the offence. Officers must be aware that any action taken by them may cause a negative reaction and in some circumstances could destabilise the crowd.

Where practical, Match Control should be advised prior to any arrest being made in order that an assessment can be made and advice given.

Nothing in this arrest policy prohibits or restricts an officer’s power of arrest.

Any arrest will take account of the European Convention on Human Rights with the following articles having particular significance:-

- Article 5 Right to liberty and security
- Article 9 Freedom of thought, conscience and religion
- Article 10 Freedom of expression
- Article 11 Freedom of assembly
Method

Briefings

All briefings will take place within xxxxxxxxxxxxxxxxxx

Sergeants xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx along with xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx will receive a briefing from the Match Commander at xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

At xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, all remaining officers will attend xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx for Roll Call by Sergeant xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx and Joint Briefing by the Club Safety Officer and Match Commander.

General Duties

Unless directed otherwise the general duties for all officers at football matches are summarised below. Officers will only switch to ‘During Match’ duties on instruction from Match Control.

Pre Match:
Engage with supporters, particularly near the turnstiles, and where appropriate search persons entering the stadium.
Officers will be proactive and vigilant for supporters under the influence of alcohol or in possession of items including alcohol, controlled containers, smoke bombs and pyrotechnics.
Officers will monitor the behaviour of supporters and robustly challenge any form of sectarian, racist, homophobic and other unacceptable behaviour.

During Match:
Be pro-active regarding the display of inflammatory flags, offensive singing and any anti-social behaviour. Ensure passageways are kept clear in case of emergencies.

During Half Time:
Officers will patrol concourses, ensuring order is maintained at food outlets and toilets.

Post Match:
Deploy in pairs and assist in the safe departure of supporters and vehicles from the stadium. Monitor the car park and support stewards.

Stand Down:
Please note, the stand down will not be given until the away supporters’ coaches and minibuses have exited the ground and the car / bus parking areas have cleared.
Administration

Uniform and Appointments

All officers involved in the event will wear fluorescent jackets with epaulettes and shoulder numbers clearly displayed. All officers will be in possession of Personal Protection Equipment (including body armour and PAVA) and will be fully qualified in its use.

Arrests

Where practicable, Match Control should be informed of any officer’s intention to make an arrest prior to that arrest being made.

Divisional Units should be contacted to assist with transportation of any arrested persons at this match to Perth Custody Suite.

Supervisors must ensure a D Division officer accompanies each arrested person to Perth Custody Suite.

Football Banning Orders

The Police, Public Order and Criminal Justice (Scotland) Act 2006 provides that Football Banning Orders (FBOs) can be sought in relation to football related offences.

Any request for an FBO will require approval by the Match Commander and should only be made in circumstances where the severity or nature of the offence would justify such restrictions on a persons’ liberty and where, should an order be granted, it would prevent further violence or disorder at future football matches.

Any football related cases submitted in respect of this fixture must be marked for the attention of Football Liaison PF, [redacted].

Hate Crime

Hate crime is a crime motivated by malice or ill-will towards a social group. Police Scotland will continue to challenge those individuals who engage in hate crime and through robust investigation will bring offenders to justice.

Legislation

All officers must ensure they are fully aware of all relevant legislation in relation to this event. A legislation aide memoir can be found at Appendix 6.

Risk Assessment

This Operational Order must be read in conjunction with the Football Policing SOP. The risk assessment document for this fixture is subject of a separate report that will be disseminated to supervisors and officers prior to the match.

Transport

Whole section considered exempt from disclosure
PAVA

The statement regarding the use of PAVA must be read aloud to officers at all briefings prior to carrying out duties (see Appendix 3).

Emergency Rendezvous Point

Whole section considered exempt from disclosure

Refreshments

Supervisors will ensure officers are refreshed and receive adequate comfort breaks during the course of the operation. Tea and coffee will be available within the Police Room.

Packed lunches will be available on arrival for officers attending from A, C, E and P Divisions.

European Convention of Human Rights

This order is compliant with the European Convention on Human Rights, providing a proportionate, legal, appropriate, necessary and ethical means to achieve the legitimate aims of the operation. All officers engaged in this operation will ensure their actions align to these principles, the values of Police Scotland to act with Integrity, Fairness and Respect at all times, and our objective of keeping people safe.

Overtime

Overtime occurred as a result of this operation will be claimed under ‘Football – McDiarmid Park’.

Debrief

Supervisors will complete and forward the attached Debrief Form (Appendix 5) to Tayside DCU after the event. The Match Commander will ensure an event debrief and Match Report is completed.
Communications

Talk Groups

All officers must be in possession of their personal issue earpiece. Spare batteries will be available from the Match Control Room if required. Talkgroup xxxxxxxxxxxxxxxxxxx will be utilised.

Deployment Plan

Sergeant xxxxxxxxxxxxxx will contact ACR and request Deployment Plan xxxxxxxxx is activated.

It is the responsibility of supervisors to inform Match Control of any amendments to the officers on their detail immediately after briefing.

All officers are to ensure they switch their Airwave radios off and on again following briefing.

PC D9256
30/01/2016
Appendix 1
Cones will be deployed along the centre of the right hand road from the bus parking area to the slip road exit at the south-west corner of the ground.

Supporters’ coaches will keep to the right hand lane and exit via the slip road gate, with cars taking the left hand lane and left hand road, leaving the ground via the Crieff Road gates.

At the end of the match, pedestrians and cars will be given priority to exit the ground. Pedestrians will leave by Crieff Road gates and the slip road gate.

Supporters’ coaches and minibuses will activate hazard lights when ready to go and then follow the directions of stewards and Police.

At a pre-determined time agreed by Sergeant [REDACTED] and Head Car Park Steward, the supporters’ coaches and minibuses will be directed to the right hand lane and exit via the slip road gate.

The departure of the supporters’ coaches and minibuses will be staggered to keep disruption to other road users to a minimum.
POLICE SCOTLAND

ROAD POLICING TRAFFIC MANAGEMENT PLAN AND BRIEFING

1 TIME AND PLACE OF PARADE

1.1 All Officers detailed for Road Policing duty will attend at [redacted] on Sunday, 5th February, 2017, at [redacted] for briefing by Road Policing Supervisor Sergeant [redacted].

2 OBJECTIVES

2.1 To Police the roads to the ground and surrounds so as to:-

   1. Ensure the safety of spectators and those travelling by road to and from the ground
   2. Ensure free flow of traffic
   3. Minimise disruption to other road users.

3 MATCH DUTIES

3.1 Personnel deployment is shown at pages 3 and 4.

3.2 Role specific briefings will be provided to Road Policing Officers by the Road Policing Supervisor.

4 METHOD

4.1 All travelling supporter traffic will be directed to the ground as per the Traffic Management Plan as outlined on Pages 5.

4.2 [redacted]

4.3 Stewards will be responsible for the direction and parking of vehicles entering the ground. Away supporters buses will be directed to an area behind the all-weather pitch to the extreme west of the ground (near to the emergency slip road gate).

4.4 [redacted]

4.5 Prior to the conclusion of the match and during the Car Park egress, the Road Policing Supervisor will liaise with the Head Car Park Steward. The Road Policing TM plan will operate in conjunction with the St Johnstone FC TM plan.

4.6 Upon instruction from the Road Policing Supervisor, Road Policing Officers will take up post match points, as detailed on Page 3. Officers will remain on points until stood down by the Road Policing Supervisor.

4.7 [redacted]

RESTRICTED
4.8 Stewards will have responsibility for the management and control of vehicles and pedestrians whilst within the Ground Car park and vehicles will be directed from the ground as per the Traffic Management Plan as outlined on Page 5.

4.9 A TTRO has been approved for the duration of this match and ALBA Traffic Management Company are to place signs on the A9 slip-road, reducing the speed limit to 30 mph. The Road Policing Supervisor will check the signs are correct and in place prior to implementation of this plan.

4.10 The Police Vehicle Recovery Scheme will be used for all vehicle breakdowns on roads in the vicinity of the ground or on the Trunk Road Network.

4.11 In the event of a bus breakdown or an eventuality rendering the slip road inoperable, then buses will be directed to the west Crieff Road gate and onto the A9 slip-road.
Police Scotland
Football Points
St Johnstone FC v Celtic FC  Sunday 05/02/2017  Kick Off  1230 hours

Supervisory Officer: – Sgt
Briefing Time at

Whole section considered exempt from disclosure
Police Scotland

Road Policing Deployment

St Johnstone FC v Celtic FC  Sunday 05/02/2017  Kick Off  1230 hours

ROAD POLICING

Whole section considered exempt from disclosure
Supporter Traffic Entering the Ground

All supporter vehicles, including coaches, travelling from the south (M90) and west (A9) will be directed northwards onto the A9, Perth by-pass from Broxden roundabout. Following which, vehicles will be directed to Inveralmond roundabout, and southwards onto the A9 Perth by-pass in order to take the first southbound slip-road onto the A85. At the Crieff Road/Newhouse Road roundabout, traffic will be directed eastwards onto the Crieff Road, where they will immediately be directed into the ground Car Park. The slip-road this is reduced to 30 mph by virtue of an approved TTRO.

Supporter vehicles travelling from the North will be directed onto the A9 Perth by-pass at Inveralmond roundabout, where they will be directed to the ground as above.

Supporter vehicles travelling from the east (Perth town centre), will be directed into the ground from the Crieff Road.

All vehicles will enter the ground via the gate as indicated, and upon entering will be directed by car parking stewards, who have sole responsibility for the management of vehicles and supporters within the ground.
Supporter Traffic Leaving the Ground

All coaches will be directed to exit the ground by the slip-road gate situated to the south west of the car park, as indicated. Please note: the slip-road gate referred to is at the south west of the ground as opposed to the emergency slip-road gates, previously utilised for bus egress. Buses will be directed northwards onto the slip-road, which takes them onto the southbound carriageway of the A9 Perth by-pass, where they will be proceed to Broxden roundabout and return west on the A9 towards Glasgow. An approved TTRO enforces a temporary 30 mph speed limit on the slip-road.

Supporter cars will egress from the ground by the two gates situated to the south of the ground, as indicated. The east most gate will allow a left turn only towards Perth town centre, whilst the west most gate will allow a right turn only towards Crieff and the slip-road leading to the A9 Perth by-pass, northbound carriageway to Inveralmond roundabout.

All vehicles and pedestrians within the ground will be directed by car parking Stewards to the three gates described. The stewards have responsibility for the management of vehicles and supporters within the ground and will be supported by Police Officers as they exit the ground onto the public roads. Pedestrian supporters will be assisted by Police Officers to cross A85 Crieff Road and A9 slip road as part of their point’s duty.
Appendix 3 – Use of PAVA

This statement is to be read aloud to all officers at all briefings prior to carrying out duties at sporting/similar events.

“The use of PAVA by you, in accordance with your training, will always be with great care whilst on duty (at the stadium or at the event) and is to be used only as a final response option if no reasonable alternative is available. You are reminded that it is for you to justify use in connection with your response to officer and public safety.”
## TRAIN TIMETABLE

### PRE-MATCH

<table>
<thead>
<tr>
<th>Station</th>
<th>Date</th>
<th>Departure/Arrival</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Arrival</td>
<td>1049</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Arrival</td>
<td>1141</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Arrival</td>
<td>1216</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Arrival</td>
<td>1245</td>
</tr>
</tbody>
</table>

### POST-MATCH

<table>
<thead>
<tr>
<th>Station</th>
<th>Date</th>
<th>Departure/Arrival</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Departure</td>
<td>1406</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Departure</td>
<td>1454</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Departure</td>
<td>1508</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Departure</td>
<td>1608</td>
</tr>
<tr>
<td>Perth</td>
<td>05/02/2017</td>
<td>Departure</td>
<td>1705</td>
</tr>
</tbody>
</table>
### DEBRIEF

<table>
<thead>
<tr>
<th>Fixture / Event:</th>
<th>St Johnstone FC v Celtic FC</th>
<th>Date:</th>
<th>05/02/17</th>
</tr>
</thead>
</table>

At the conclusion of every event (sporting or otherwise), march or operation, it is helpful to debrief the event. This is not always possible to do on a personal basis, therefore, to ensure that all officers are given an opportunity to make constructive comment and to forward any suggested improvements or criticism, supervisors are required to complete the following for their detail.

#### Operation Order

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

- Does it contain enough information to enable you to perform your duties?
- Was it received in good time?
- Were your instructions clear and concise?

*If no please comment below or on a separate sheet:*

#### Communications

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

- Did you experience any difficulty with your personal radio?
- Did you experience any difficulty with the Public Address system?

*If yes please comment below or on a separate sheet:*

#### Prisoners

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

- Any difficulty experienced in processing any prisoner?
- Any difficulty experienced in conveying any prisoner to the custody centre?

*If yes please comment below or on a separate sheet:*

#### Stewards

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

- Any difficulties experienced?
- Were they competent?
If yes please comment below or on a separate sheet:
## Appendix 6 – Legislation

### CRIMINAL LAW (CONSOLIDATION) (SCOTLAND) ACT 1995

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19 (1) (a)</td>
<td>Alcohol on PCV or minibus to or from sporting event</td>
</tr>
<tr>
<td>19 (1) (b)</td>
<td>Hirer of PCV with alcohol to or from sporting event</td>
</tr>
<tr>
<td>19 (1) (c)</td>
<td>Any person drunk on PCV to or from sporting event</td>
</tr>
<tr>
<td>19 (2)</td>
<td>Operator, employee, agent of PCV with alcohol onboard</td>
</tr>
<tr>
<td>19 (6)</td>
<td>Driver, keeper, employee, hirer of minibus with alcohol onboard</td>
</tr>
<tr>
<td>20 (1) (a)</td>
<td>Possess controlled container within relevant area</td>
</tr>
<tr>
<td>20 (1) (b)</td>
<td>Possess controlled container and attempt to enter</td>
</tr>
<tr>
<td>20 (2) (a)</td>
<td>Possess alcohol within relevant area</td>
</tr>
<tr>
<td>20 (2) (b)</td>
<td>Possess alcohol and attempt to enter</td>
</tr>
<tr>
<td>20 (3)–(6)</td>
<td>Possess a firework etc, within relevant area</td>
</tr>
<tr>
<td>20 (7) (a)</td>
<td>Drunk within relevant area</td>
</tr>
<tr>
<td>20 (7) (b)</td>
<td>Drunk and attempt to enter</td>
</tr>
<tr>
<td>47</td>
<td>Offensive Weapon</td>
</tr>
<tr>
<td>49</td>
<td>Bladed or sharply pointed article</td>
</tr>
<tr>
<td>50A (1) (a)</td>
<td>Racial Harassment</td>
</tr>
<tr>
<td>50A (1) (b)</td>
<td>Racial Distress and Alarm</td>
</tr>
<tr>
<td>52</td>
<td>Wilfully or recklessly damage or destroy... the property of</td>
</tr>
</tbody>
</table>

### LOCAL GOVERNMENT (SCOTLAND) ACT 1973

*(Prohibiting Consumption of Alcoholic Liquor in Designated Place)*

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>201</td>
<td>Prohibits drinking alcohol in designated public places</td>
</tr>
</tbody>
</table>

### CIVIC GOVERNMENT (SCOTLAND) ACT 1982

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 (1)</td>
<td>Trading with / without Street Traders Licence</td>
</tr>
<tr>
<td>7 (2)</td>
<td>Trading out with conditions of licence</td>
</tr>
<tr>
<td>47</td>
<td>Urinate in a manner likely to cause annoyance</td>
</tr>
<tr>
<td>50(1)</td>
<td>Drunk and incapable whilst not in the care of some suitable person</td>
</tr>
<tr>
<td>53</td>
<td>Obstruct Lawful Passage of Others</td>
</tr>
</tbody>
</table>

### POLICE, PUBLIC ORDER AND CRIMINAL JUSTICE (SCOT) ACT 2006

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>68</td>
<td>Breach any conditions as set by Football Banning Order</td>
</tr>
</tbody>
</table>

### CRIMINAL JUSTICE & PUBLIC ORDER ACT 1994

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>60</td>
<td>Power of stop search</td>
</tr>
</tbody>
</table>

Inspector or above can invoke section 60 in a defined area. A Constable in Uniform can stop and search but has no power to demand name/address. Can seize any dangerous instrument or offensive weapon. Can seize any item which can be worn to conceal identity.

### PUBLIC ORDER ACT 1986

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Directions imposed on Public Assemblies</td>
</tr>
</tbody>
</table>

### CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>38</td>
<td>Threatening or abusive behaviour</td>
</tr>
</tbody>
</table>
Annex A (3)

Procedural Issue + Hate Crime: In relation to the non-consensual stop and search conducted by Police Scotland on 01/10/2015 as 20-30 supporters under the age of 21 made their way peacefully and unobtrusively to Celtic Park for their European fixture against Fenerbahçe. Following this incident Police Scotland, represented by Chief Superintendent Alan Murray outlined the following to BBC Scotland News;

“Individuals had been identified by specially trained officers as part of a group that can be termed ‘risk’ supporters, who are known to Police for previously engaging in disorder or Hate Crime”

BEMIS Scotland have sought to substantiate the allegation that those stopped have had charges or convictions progressed against them in relation to ‘disorder or hate crime’. At the time of the incident on 01/10/15 we have been informed none of those stopped had previously been charged with or convicted of;

- Any common law hate crime offense or any offense under the Football Act
- Any common law public disorder offense such as a breach of the peace
- None were or had been on 01/10/15 charged let alone convicted of the accusations attributed to them as the justification for their stop and search on the national news broadcast.

News Broadcast is available here: https://www.youtube.com/watch?v=E9qHutfRP5M

24 https://www.youtube.com/watch?v=E9qHutfRP5M