

CULTURE, TOURISM, EUROPE AND EXTERNAL AFFAIRS COMMITTEE

UEFA European Championship (Scotland) Bill

SUPPLEMENTARY SUBMISSION FROM SCOTTISH POLICE FEDERATION

I refer to the above, the written submission of the Scottish Police Federation (SPF) dated 2nd October and to the evidence session at the Committee on the morning of Thursday 3rd October.

The SPF has given further consideration to the issues presented by Sections 17 to 20 of the draft Bill and it is our view the following may help address the concerns presented.

We consider that the prohibition of use of force against a person and the power to seize creates an irreconcilable conflict. We do not support that enforcement officers ought to be able to use force. Rather the SPF considers that enforcement officers should be empowered only to require a person to surrender an infringing article. Where the person refuses to surrender the enforcement officer should be able to call upon a constable to assist.

Where the constable thereafter considers that surrender of the infringing article is necessary to prevent the continued commission of an offence, the constable may seize the article if surrender is resisted.

We consider the ability of an enforcement officer to be able to be assisted by any other person to be too far reaching. We further consider that where third party assistance is required this should not be unfettered. A logical compromise could be that wherever third party assistance is sought, this should only be executed in the presence of a constable.

The SPF maintains that it is inappropriate to extend powers of search of any place, vehicle, vessel container or other thing to enforcement officers even if supported by warrant. We would naturally offer no opposition to the notion of search of bags etc. as a condition of entry into the designated zones.

In our view the enforcement officer ought to still to be able to apply for a warrant where they consider it is necessary in accordance with the general provisions of section 19, but the execution of that warrant should lie with the police. We see no reason why the enforcement officer could not accompany the constable. This approach would remove the question of primacy and ensure that the constable is acting only in support of the warrant and faces no implied power of direction from the enforcement officer.

I trust the foregoing assists your deliberations and as ever, should the Committee have any requests for further information, we will be only too happy to help.

Yours sincerely

CALUM STEELE
General Secretary