

**REPORT TO THE BOARD OF THE  
SCOTTISH FOOTBALL ASSOCIATION**

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# 1. INTRODUCTION

**1.1.** The Scottish Cup Final between Rangers FC (“Rangers”) and Hibernian FC (“Hibernian” “Hibs”) took place at The National Stadium, Hampden Park, Glasgow (“Hampden” “the Stadium”), on the 21<sup>st</sup> of May 2016 (“the Match” “the Cup Final” “the 2016 Scottish Cup Final”) before a capacity crowd of approximately 51,000 spectators. Hibernian had not won the Scottish Cup since 1902. Normal time in the match was scheduled to finish at 16.47 hours, at which time the teams were tied 2 – 2, Hibs having scored an equalising goal in the 80th minute. Just as the match entered injury time the Hibs captain David Gray scored a goal. This was greeted, not unexpectedly, with scenes of jubilation from the parts of the ground occupied by Hibs supporters. Gray and three other players ran towards the crowd in the South East corner where they made physical contact with a number of supporters. With less than three further minutes of injury time anticipated, enormous excitement built up. Two Hibs fans came over the wall at the East Stand and ran towards the pitch. They were held by stewards and detained by Police Officers. Other Hibs fans began to enter the aisles leading to the gates onto the pitch in the East Stand; others were standing on the barriers in front of the wired moat areas between the gates. Within ten seconds of the final whistle large numbers of Hibs fans had broken out onto the pitch area where they began to run to the centre of the field. Some of them accosted and abused a number of Rangers players and team officials. Other fans ran towards the West end of the stadium occupied by Rangers supporters and began to gesture towards them and taunt them. The majority of Rangers supporters left the ground, but a number came over the walls

at the West Stand and ran onto the pitch where a series of scuffles took place. By this stage a very large number of Hibs supporters had invaded the pitch and had proceeded to a point beyond the halfway line. Approximately four minutes after the final whistle a number of Police Officers on horseback entered the stadium. They took up position behind a line of Police Officers and stewards stretched across the pitch and the large number of Hibs supporters were slowly moved eastwards. At the same time the small number of Rangers supporters who had gone onto the pitch were driven back to the stands by Police Officers. The pitch was fully cleared 19 minutes after the final whistle.

## **2. TERMS OF REFERENCE**

**2.1.** Against the above background I am asked to investigate and review the organisation and management of the Match by the Scottish Football Association (“the Scottish FA” “the SFA”) and to consider whether or not:-

2.1.1. All reasonable precautions were taken by the Scottish FA, Rangers FC and Hibernian FC to minimise the possibility of the pitch invasion and related events;

2.1.2. There was adequate liaison regarding security measures between and among the Scottish FA; Police Scotland; G4S (the Contractor which provided stewards for the Match); Rangers FC and Hibernian FC prior to, during and at the end of the match and thereafter;

2.1.3. The Stadium configuration, segregation, seat sale and seating arrangements contributed to the circumstances giving rise to the pitch invasion;

2.1.4. The response reaction times of each of the Scottish FA, Police Scotland, G4S, Rangers FC and Hibernian FC in identifying, dealing with and resolving the pitch invasion and all related consequences were satisfactory; and

2.1.5. There are measures that can be taken to improve the safety of players, officials and others proximate to the pitch at any stadium where major association football matches are held under the auspices of the Scottish FA.

**2.2. The focus of this remit is on events within the Stadium itself. I have not considered it appropriate – nor feasible in the available timescale – to examine events which took place outwith the Stadium. Further, it is no part of this inquiry to investigate particular acts of alleged criminality.**

### **3. HISTORIC PITCH INVASIONS**

#### **3.1. General**

3.1.1. Large scale pitch invasions appear to be a relatively uncommon occurrence at Scottish football matches, compared to England, where pitch invasions, despite being a specific criminal offence in that jurisdiction, appear to be semi-regular, almost seasonal affairs. Scottish football fans generally appear to be aware that it is unacceptable to encroach upon the field of play. There are, of course, incidents of individuals or small groups attempting to come onto a pitch from time to time at Scottish football matches, however these individuals are usually dealt with by the match stewards and Police as appropriate.

3.1.2. However, there are two particular Scottish pitch invasions which merit some consideration by way of background, namely the pitch invasion following the Motherwell v. Rangers SPFL Playoff match on 31 May 2015 and the pitch invasion following the Celtic v. Rangers Scottish Cup Final on 10 May 1980. I shall take each of these, briefly, in turn.

#### **3.2. Motherwell v. Rangers – 31 May 2015**

3.2.1. Firstly, the pitch invasion following the Motherwell v. Rangers match on the 31<sup>st</sup> of May 2015 is notable due to its temporal proximity to the 21<sup>st</sup> of May 2016, as well as the factual similarities between that match and the



2016 Scottish Cup Final. Both matches were played towards the end of their respective seasons, both matches were of great importance to the teams (and supporters) involved, and both matches saw a goal scored in injury time. Equally the pitch invasions themselves shared similarities, with the fans of both winning teams choosing to taunt the fans of the losing team from the pitch.

3.2.2. On the other hand, there are a number of factors that distinguish the 2015 match from the 2016 Scottish Cup Final. The number of supporters in attendance at Fir Park on the 31<sup>st</sup> of May 2015 was approximately 9,200, less than a fifth of the number of supporters who attended Hampden on the 21<sup>st</sup> of May 2016. The 2015 match did not witness a dramatic change in fortunes to the extent of the 2016 Scottish Cup Final, with one team taking the lead and retaining it for the duration of the match. Also, at the end of the 2015 match, only one team's supporters participated in the ensuing pitch invasion. Following that pitch invasion, the SPFL arranged for an independent Commission, whose findings have now been made public. The conclusions to a material extent centred on errors in ticket allocation and a breakdown in segregation.

### **3.3. Celtic v. Rangers – 10 May 1980**

3.3.1. I turn now to the 1980 Scottish Cup Final between Celtic and Rangers. A crowd in the region of 70,300 attended that match and the match progressed without major incident until the final whistle, after extra time. When the

match ended, some Celtic players ran towards the “Celtic end” of the pitch and hundreds of Celtic supporters responded by climbing the barrier fence and invading the pitch, ostensibly for the purpose of celebrating their team’s victory. In response to the pitch invasion by the Celtic fans, a large number of Rangers supporters also climbed over the barrier fence and ran onto the pitch, whereupon fighting broke out amongst the two groups of supporters.

3.3.2. Records state that approximately 400 Police Officers were on duty at Hampden during the game, with a further 100 or so outside. Towards the end of the match, the Police began to withdraw some Officers from the stadium in anticipation of the need to manage the crowds leaving the stadium, there having been no indication prior to the final whistle that the match would end in disorder. Approximately 200 Police Officers remained within the ground. Upon the outbreak of violence, those Officers stationed outside Hampden were recalled and it took foot and mounted Police Officers almost 15 minutes to regain control of the stadium. There were 179 arrests on the day.

3.3.3. The pitch invasion at Hampden in 1980 caused public outcry and was the subject of debate in the House of Commons and the House of Lords. One key finding appears to have been that much of the violence on that day was fuelled by the consumption of a significant volume of alcohol by the supporters involved. This ultimately led to the passing of the Criminal Justice (Scotland) Act 1980, which, among other matters, criminalised the

consumption of alcohol at football matches, a prohibition that remains in place (albeit the original 1980 Act has been replaced).

### **3.4. Celtic v. Rangers – 1 February 2015**

- 3.4.1. A further match is worthy of mention although no pitch invasion took place. This was the Scottish League Cup Semi-Final between Celtic and Rangers held on the 1<sup>st</sup> of February 2015 at Hampden. On that occasion, the Police had specific intelligence that certain fans intended to invade the pitch in the event of a particular result. Because of that, Police Support Units were maintained in position in the practice area directly under the South Stand. In the event the no attempt was made to invade the pitch and the services of the Police reserve were not required.

## **4. REGULATORY FRAMEWORK**

### **4.1. General**

4.1.1. To provide background to my inquiry, it is useful to set out the regulatory position on a number of items, namely the organisational background to the 2016 Scottish Cup Final, the provision of safety certificates to football venues, the stewarding of football matches, the ground regulations of the Scottish Football Association, the Scottish Football Association's definition of Unacceptable Conduct and the Criminal Law relating to the actions of supporters at football matches in Scotland. I shall take each of these, briefly, in turn.

### **4.2. Organisational Background**

4.2.1. The hosting of an event such as the Scottish Cup Final requires the involvement of a large number of private bodies and public agencies. Whilst I do not propose to explore this in great depth, I consider it beneficial to identify the main organisations involved.

4.2.2. Hampden Park Stadium itself is leased from Queen's Park Football Club by Hampden Park Limited ("HPL"), a wholly owned subsidiary of the Scottish Football Association. HPL are responsible for the day to day operation of the Stadium and on the day of the Scottish Cup Final, primacy for the safety

and security arrangements surrounding the Match, including the contracting of stewards, who were provided by G4S, lay with HPL.

4.2.3. The 2016 Scottish Cup Final was hosted by the Scottish FA, as is traditional. The SFA were responsible for the cost of the event, including paying for policing costs within the Stadium.

4.2.4. The role of Police Scotland was to support HPL and the stewards in ensuring safety and security at the Cup Final. However, it was clearly understood that should any issues arise during the course of the Match which HPL and the stewards were unable manage, primacy for safety and security would pass to Police Scotland.

### **4.3. Safety Certificates**

4.3.1. Sports stadia in the U.K. with a capacity greater than 10,000 spectators are required by Section 1 of the Safety of Sports Grounds Act 1975 to hold a Safety Certificate. These Certificates are issued by the relevant local authority on the application of a stadium operator and can be issued to cover specified activities for an indefinite period or for specific activities on specific occasions. Safety Certificates must be renewed on a regular basis.

- 4.3.2. When an application for a Safety Certificate is made to a local authority, that authority is obliged to determine if it is appropriate to issue the Certificate sought and they may impose such terms and conditions as the local authority considers necessary or expedient to secure reasonable safety at the sports ground in respect of which the Safety Certificate is granted.
- 4.3.3. Glasgow City Council operates a Safety Team for Sports Grounds which is made up of representatives from Building Standards and Public Safety, Police Scotland, Scottish Fire and Rescue Service and the Scottish Ambulance Service. The Safety Team provides guidance to the managers of sports grounds.
- 4.3.4. HPL holds the Safety Certificate for Hampden Park, which was last issued by Glasgow City Council on 6 November 2015. The Safety Certificate permits the holding of, among other events, football matches at Hampden. It contains a number of conditions, including an obligation to comply with the recommendations contained in the HMSO Guide to Safety at Sports Grounds (otherwise known as “The Green Guide”).

#### **4.4. Stewarding of Football Matches**

- 4.4.1. The Department for Culture, Media and Sport, a U.K. Government Department, has published a Guide to Safety at Sports Grounds, currently in its fifth edition and commonly known as “The Green Guide”. The Green Guide has been adopted by the Association of Football Safety Officers

Scotland and is complied with at football matches held in Scotland. The Green Guide is a lengthy document, spanning some 232 pages, not all of which are relevant to this Report and accordingly it would be inappropriate to discuss at length.

4.4.2. That said, of utmost relevance to this Report is Chapter 4.0 of The Green Guide, which pertains to the stewarding of football matches. The Green Guide makes it clear that “*effective safety management requires*” (emphasis added) the utilisation of stewards at football matches. Stewards are defined within The Green Guide as individuals who are either working towards or have obtained a Level 2 stewarding qualification within the relevant qualifications framework. Certain stewards also require to be licensed by the Security Industry Authority. These stewards will generally have obtained a Level 3 stewarding qualification and are authorised to conduct voluntary searches of those attending football stadia. It is worthy of note that stewards do not have any quasi-police status bestowed upon them. They are not able to utilise force (beyond that which any private citizen may employ) and their authority to search individuals at football stadia derives not from any statutory basis, but from the terms and conditions of admission to the event being held.

4.4.3. The Green Guide sets out the duties, training requirements and Code of Conduct for stewards. It also suggests that when football clubs attend an away match, it may be beneficial for them to employ the services of visiting

stewards, meaning stewards who travel from the club in question and have a familiarity with the supporters of the travelling club.

4.4.4. Chapter 3.0 of The Green Guide is also of particular relevance to this Report, specifically 3.15 which details the requirements of the Stewarding Plan for each match. It is recognised that Stewarding Plans will vary across different stadia (and at a different events), however The Green Guide makes recommendations as to the appropriate number of stewards to deploy at an event. The Green Guide provides that, as well as those stewards manning what are known as static posts, meaning pitch exit gates, turnstiles and similar, a ratio of one steward per 250 anticipated attendees should be deployed to mobile posts. Furthermore, The Green Guide states that this ratio should be increased to one per 100 anticipated attendees where the risk assessment for the match shows a need for a higher level of safety management.

4.4.5. **My enquiries have disclosed that the numbers of stewards deployed to mobile posts in Hampden Park for the Scottish Cup Final on the 21<sup>st</sup> of May 2016 was one per 88 anticipated attendees, that is to say the ratio of stewards to attendees well exceeded the minimum set out in The Green Guide.**



## **4.5. Ground Regulations**

4.5.1. The SFA, Hibernian Football Club and Rangers Football Club have all prepared and published Ground Regulations. These are displayed prominently at Hampden Park Stadium, Easter Road Stadium and Ibrox Stadium. All three sets of Ground Regulations make it clear to those attending the respective stadia that unauthorised persons are not permitted to enter upon the trackside, field of play or any other place specified by the relevant authorities for the respective stadia or by Police Scotland. The Hibs Ground Regulations go so far as to remind spectators that the unauthorised entry of the field of play will result arrest and banning from the stadium.

## **4.6. Unacceptable Conduct**

4.6.1. Prior to the Semi-Final matches of the 2016 Scottish Cup, the SFA circulated for publication to the various clubs involved a copy of their Unacceptable Conduct Policy, which was then publicised by the clubs. The SFA also publicised this Policy and it was printed in the Match Day Programmes of both Semi-Finals and also the Cup Final. The SFA also encouraged the participating clubs to engage with their “Ultra” supporters to ensure that supporters were aware of the Unacceptable Conduct Policy.

4.6.2. The SFA’s Unacceptable Conduct Policy makes it clear that it is unacceptable for spectators attending a football match to engage in violent conduct or disorderly conduct, or if they assist or encourage other supporters

to do so. Violent conduct is defined as actual, attempted or threatened physical violence against a person or persons or intentional damage to property. Disorderly conduct is defined as conduct which stirs up or sustains hatred or ill will against a group of persons based on their membership of that group, using threatening, abusive or insulting words, displaying writing or an image which is threatening, abusive or insulting or using words, conduct or displaying writing or an image which indicates support for, affiliation to, celebration of or opposition to an organisation proscribed in terms of the Terrorism Act 2000. The Policy also highlights a number of sanctions which may be employed against those found to be committing unacceptable conduct. Entering onto the field of play is not categorised specifically as “unacceptable conduct”. What the Policy does say is “This Statement of Unacceptable Conduct should at all times be read in conjunction with the terms of the Ground Regulations”.

#### **4.7. Criminal Law**

- 4.7.1. In the England it is a specific statutory offence to enter the field of play at a designated football match without lawful excuse: Football (Offences) Act 1991 Section 4. Scotland has no equivalent statutory provision. Historically, the Police and prosecuting authorities (“COPFS”) in Scotland have prosecuted those involved in pitch invasions using the Common Law offence of Breach of the Peace or of Conduct Calculated to Provoke a Breach of the Peace. These offences allow the Police to charge, and the COPFS to prosecute, individuals whose conduct causes alarm to members

of the public and threatens to disturb the community. It was (and remains) also possible, although in practice unlikely, to charge persons invading a football pitch with the Common Law offence of Mobbing and Rioting, which is in essence Breach of the Peace committed en masse.

4.7.2. In recent years the Scottish Parliament has provided authorities with additional tools which may be used to prosecute in the context of a pitch invasion, although not for the mere act of going onto the field of play. The first of these is Section 38 of The Criminal Justice and Licensing (Scotland) Act 2010, which is often known informally as “Statutory Breach of the Peace”. Section 38 allows the Police to charge, and the COPFS to prosecute, individuals who behave in a threatening or abusive manner, or a manner likely to cause fear and alarm. Since its introduction, the COPFS appears to have shown a generally tendency to prosecute under Section 38, rather than using the Common Law offences discussed above, albeit both options remain competent and viable in the context of a pitch invasion.

4.7.3. More recently, the second tool provided by the Scottish Parliament which may be used to prosecute individuals involved in a pitch invasion is Section 1 of The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Section 1 of that Act provides that it is an offence if, in relation to a regulated football match, a person engages in behaviour expressing hatred of or stirring up hatred of various groups or members of those groups, behaviour that is motivated by such hatred, behaviour that is threatening, or other behaviour that a reasonable person would be likely to

consider offensive and the behaviour is likely to incite or would be likely to incite public disorder. This offence has a broad scope and, at the time of writing, has been used to prosecute a number of those involved in the pitch invasion which took place following the Scottish Cup Final on the 21<sup>st</sup> of May 2016.

## **5. PRE-MATCH PLANNING**

### **5.1. General**

5.1.1. Generally, responsibility for the planning arrangements surrounding a match lies with the hosting club, who will be the “home team”. However, when the match in question is the Scottish Cup Final and is to be played at Hampden, neither of the participating clubs can be said to be the “home team”. The event is hosted by the SFA, who have ultimate responsibility for planning the match. At Hampden, a further layer of organisational involvement is required, as Hampden Park Stadium is operated by HPL. As such, whilst the SFA hosted the 2016 Scottish Cup Final, primacy for safety and security was held by HPL. HPL’s Safety Officer was responsible for the Stewarding Plan for the Cup Final and for liaising with Police Scotland. I have commented further on the Stewarding Plan and the safety arrangements at Hampden Park Stadium elsewhere in this Report and shall not go into any further detail here, beyond what is required to provide an understanding of the planning behind the Scottish Cup Final.

### **5.2. Semi-Finals**

5.2.1. To understand the planning that was required for the Scottish Cup Final, one must look back to the Semi-Finals, held at Hampden on Saturday 16<sup>th</sup> and Sunday 17<sup>th</sup> of April 2016. In advance of the Semi-Finals, on the 1<sup>st</sup> of April 2016, the SFA contacted representatives of the four clubs participating in

the Semi-Finals, Celtic FC, Rangers FC, Dundee United FC and Hibernian FC and asked them to provide details of where within the Stadium their respective “Ultra” supporters had purchased or intended to purchase tickets for the respective Semi-finals. This request was made to allow the HPL Safety Officer to make appropriate plans for the effective utilisation of stewards in the Stadium.

- 5.2.2. On the 6<sup>th</sup> of April 2016, the SFA again contacted representatives of those four clubs and provided a copy of the SFA’s Statement of Unacceptable Conduct, and suggested that the Clubs may wish to publish this statement on their respective websites. In response, Hibernian FC posted an appropriately worded statement on their website on the 15<sup>th</sup> of April 2016.

### **5.3. Scottish Cup Final 2016: Pre-Ops and Ops Meetings**

- 5.3.1. Once the Semi-Finals had taken place, the focus then turned to the Scottish Cup Final, scheduled for the 21<sup>st</sup> of May 2016. In advance of all SFA hosted football matches, a Pre-Operations or “Pre-Ops” Meeting is held, followed by an Operations or “Ops” Meeting. In this instance the Pre-Ops Meeting was held on Monday the 25<sup>th</sup> of April 2016 and the Ops Meeting was held on Thursday the 19<sup>th</sup> of May 2016.

- 5.3.2. Both the Pre-Ops and the Ops Meetings were comprehensive meetings which involved all relevant organisations including the participating clubs, the SFA, HPL, Police Scotland, G4S, Scottish Fire & Rescue Service and

others. These meetings covered a wide variety of planning issues, ranging from matters such as safety and security, policing, first aid and medical cover, ticketing, admissions and segregation policies, to commercial issues, hospitality and parking arrangements.

#### **5.4. Risk Assessments**

5.4.1. In the days and weeks leading up to the 21<sup>st</sup> of May 2016, a risk assessment of the Match was carried out by HPL's Safety Officer. This risk assessment was completed based on intelligence provided by Police Scotland and the participating clubs. It also reflected on previous matches throughout the season. Risks were identified and categorised appropriately. Once a risk had been identified and categorised, a method of mitigating the risk was identified and a contingency plan prepared in the event of any such risk becoming unavoidable. Separately, Police Scotland determined their own risk categorisation for the Match. In this instance, the Scottish Cup Final was categorised as falling into the highest risk category by Police Scotland. This was the same categorisation given to the Rangers v. Celtic Semi-Final held on the 17<sup>th</sup> of April 2016. That match, despite also being classed as falling within the highest level of risk, did not experience significant disorder. **It should also be noted that a similar number of Police and steward resources were deployed to that match as to the Scottish Cup Final.**

5.4.2. Once the risk categorisations were in place, it fell to G4S, the security contractor who had been contracted to provide stewards for the Match, to prepare a Stewarding Plan. Once this was prepared, it was subject the final approval of HPL's Safety Officer. The Stewarding Plan was discussed at the Pre-Ops and Ops meeting and was open to continuous revision until the day of the Cup Final. The Stewarding Plan detailed how many stewards would be deployed on the day, where they would be stationed and what their duties would entail. The Stewarding Plan was entirely distinct to Police Scotland's preparation for the necessary policing operation, however HPL, G4S and Police Scotland utilised a number of communication channels to ensure that their respective plans co-ordinated with and complemented the other.

5.4.3. Both Police Scotland and HPL/ G4S considered the prospect of a pitch invasion occurring during their planning for the Scottish Cup Final and prepared contingency plans to deal with a pitch invasion, based on a number of differing scenarios. In anticipation of individuals encroaching upon the pitch, specific stewards were suitably equipped and tasked to intercept these individuals and hand them over to the Police. In relation to a mass pitch invasion, there was no intelligence from any source to suggest that such an event was likely and it was not considered necessary to hold additional Police or stewarding resources in reserve to counter any such occurrence. To do so would have been considered a disproportionate use of resources. There was nevertheless an agreed procedure involving Police and stewards to clear the pitch in the event of a mass invasion taking place.



## **5.5. The SPFL**

5.5.1. At this stage, it is worth addressing a distinction between how safety and security planning was conducted for the Scottish Cup Final in comparison to regular league matches held at the home grounds of the various participating clubs. For the avoidance of doubt, of course, it must be made clear that the Scottish Cup Final was not a Scottish Professional Football League (“SPFL”) match and the SPFL had no input or involvement in the planning of the event. In the lead up to an SPFL match, specific meetings are held between Police Scotland, the stewarding contractor, and the security personnel of the relevant clubs, which focus exclusively on safety and security. These meetings allow expert personnel to raise and discuss in confidence any intelligence available in advance of a match and any specific plans or tactics being developed to deal with such intelligence.

5.5.2. These “Security Meetings”, for want of a better phrase, have been contrasted with the Pre-Ops and Ops Meetings held in advance of the Scottish Cup Final. As noted above, the Pre-Ops and Ops Meetings are all-encompassing. It has been suggested that such meetings may not be conducive to frank and open discussions on matters of security, particularly when restricted Police intelligence and operational tactics are raised. Conversely, it has been suggested to me that senior Police Officers and security personnel derive benefit from attending the Pre-Ops and Ops Meetings, as they can more effectively contribute to the safety and security of an event when they are fully aware of all facets of the event planning.

5.5.3. I express no view on which practice is to be preferred. There may be situations in which sensitive matters of security should be discussed on a restricted basis. In that event I would envisage that such issues could be discussed privately by Police and security officials.

## **5.6. Ticket allocation**

5.6.1. The ticket allocation for the Cup Final agreed at the Pre-Operations meeting on the 25<sup>th</sup> of April 2016 was 21,128 tickets to Rangers for seats in the North Stand ((C1-C5); West Stand (Sections A and B); South Lower (P1-P6) and South Upper (Q1-Q6), and to Hibs 15,000 initial tickets with a potential increase to 20,459 for seats in North Stand (D1-D5); East Stand (F1-F7 and G1 & G2); South Lower (I1 –I16) and South Upper (H1 –H6). The Hibs allocation was fully taken up by the 18<sup>th</sup> of May 2016.

5.6.2. It was also agreed at that meeting that the proposed segregation area of 6 rows of seats in the North Stand should be reduced to 3 rows. This proposal was acceded to by the Match Commander on the basis that the tickets for the additional seats would be allocated by both clubs to known supporters and not to known risk supporters.

5.6.3. The Rangers allocation of Cup Final tickets was sold exclusively to Rangers season ticket holders, that is to say all purchasers were on the Club database.

5.6.4. The Hibs allocation was sold in three “waves”. The first wave of tickets went on sale on the 4<sup>th</sup> of May 2016. Those tickets were available to season ticket holders for the 2015/16 and 2016/17 seasons according to the database as of the 3<sup>rd</sup> of May. The second wave opened on the 14<sup>th</sup> of May and was available to anyone with one or more loyalty points gained from having purchased a ticket for at least one game in the 2015/2016 season. The third wave, opened on the 18<sup>th</sup> of May, was open to those who had no points but were on the Club’s database of supporters.

5.6.5. Hibs hold a list of “banned” supporters. Those with names on that list would not have been able to purchase a ticket.

5.6.6. It is not unusual for Hibs to have 20,000 away supporters for matches of significance. For the Scottish League Cup Final at Hampden on the 13<sup>th</sup> of March 2016, the number of tickets sold by Hibs amounted to 29,683 against a total attendance of 38,796.

## **5.7. Instructions to players and match officials**

5.7.1. It is a standing UEFA and FIFA rule that in the event of an emergency at a football match, the referee and match officials are to congregate at the centre circle of the pitch and gather the players to them. Moreover, the referee and

match officials were briefed prior to the commencement of the Match on other security measures unrelated to pitch invasions.

5.7.2. At the commencement of each football season, players at a senior level are given a briefing by a senior Police Officer which covers the Lord Advocate's Guidelines on Incidents at Sporting Events (issued 14<sup>th</sup> of March 2011). Part of the emphasis of these Guidelines is on the possibility of criminal prosecution where the nature and degree of physical contact exceeds that which might reasonably be expected in a contact sport. The Guidelines also draw attention to the fact that the conduct of participants in a sporting event may have a bearing on the conduct of those spectating. I am informed that in the context of such briefings, which may be repeated by club officials in the course of the season, the players are specifically told to "stay on the pitch". Moreover, Law 12 of the IFAB Laws of the Game provides that a player is to be cautioned for "entering, re-entering or deliberately leaving the field of play without a referee's permission". A further provision discourages excessive celebrations when a goal is scored and provides that a player must be cautioned for, amongst other things, climbing onto a perimeter fence.

5.7.3. Whilst these Laws exist and instructions are given, it is not wholly clear to me whether the dangers of a player leaving the field of play and engaging physically with the crowd are clearly spelled out. Whilst there is reference to the reaction of spectators to events on the ground, the danger of the

creation of crowd surges caused by players engaging with spectators might well be given greater emphasis in the course of the briefings.

## **5.8. Deployment of Police Officers and Stewards**

5.8.1. In accordance with the Stewarding Plan, once stewards had been withdrawn from turnstile duties there were approximately 640 stewards within the Stadium, of whom 54 were assigned to static positions.

5.8.2. In relation to Police resources, 8 Inspectors, 17 Sergeants and 117 Constables were assigned to internal duties at the Stadium. Of these, 1 Inspector, 2 Sergeants and 52 Constables constituted the Track Detail held in reserve in the tunnels to the South East and South West of the Stadium. The other internal Officers were deployed to duties throughout the internal areas of the Stadium. For reasons of security it is not appropriate to disclose the details of Police resources deployed outwith the Stadium as part of the overall Police operation, but part of that deployment contained two Public Order Basic Mobilisation Units together with a detachment of Police Officers mounted on motorcycles and horses.

5.8.3. I am not qualified to comment, nor would it be appropriate for me to do so, on the adequacy of the overall Police numbers and the nature of their deployment. The nature of any threats external to the Stadium and the level of resources required to secure public areas are matters known only to the Police and in any event do not fall within the scope of my remit.

## 6. SEQUENCE OF EVENTS

**6.1.** From a variety of film and video records, I determine the significant events leading to, and following, the pitch invasion to be as follows. 90 minutes of play was scheduled for completion at 16.47.00:

16.36.00 Hibs equalising goal. This prompted deployment of the Track Detail. The Track Detail would normally have withdrawn after a few minutes, but was instructed to remain in place.

16.47.00 90 minutes of play completed.

16.48.44 Hibs 3<sup>rd</sup> goal scored by David Gray. Gray and 3 other Hibs players ran to the South East corner of the enclosure where Gray and the others threw themselves into the crowd where they were embraced by a number of supporters. A number of spectators surged towards that area.

16.51.17 Large numbers of Hibs fans had become agitated and began to move into the aisles leading to the gates onto the pitch. At this stage there were three or four stewards at each gate at the East end, with a line of Police Officers positioned about 10 yards behind them at intervals of 8 to 10 yards.

- 16.51.34 The numbers of Hibs fans in the aisles had increased substantially.
- 16.51.40 Police Officers from the track detail at the East end began to move to the East Stand gates to assist the stewards.
- 16.51.44 Two Hibs fans climbed over the “moat” by standing on the wires and attempted to run onto the pitch. They were detained.
- 16.51.58 Final whistle.
- 16.51.58 Large numbers of Hibs fans came over the barriers by a variety of routes and ran past the stewards and Police Officers onto the pitch. At this stage primacy for safety and security was passed from the HPL Safety Officer to Police Scotland.
- 16.52.05 Wes Foderingham, the Rangers goalkeeper, whose goals were at the East end of the Stadium, was surrounded by Hibs fans.
- 16.52.10 The vanguard of Hibs supporters crossed the halfway line and headed towards the West end of the Stadium.

- 16.52.13 A steward arrived alongside the Rangers goalkeeper and began to escort him from the field of play.
- 16.52.14 About 10 to 15 Hibs supporters had arrived at the West end of the pitch in sufficient proximity to the Rangers supporters to commence taunting them.
- 16.52.22 A number of Rangers supporters began pressing against the gates at the West end of the Stadium.
- 16.52.25 The first of a number of Rangers supporters came over the walls and ran towards the field of play.
- 16.52.30 Police Officers intercepted the Rangers supporters who had entered the “D” shaped area of track at the West end and drove them back. The Hibs fans who were on the field of play at the West end continued with their taunts.
- 16.52.42 The first of a small number of Rangers fans reached the field of play.
- 16.53.00 Fighting broke out at the West end of the pitch.



- 16.53.23 The corner flag from the North West corner, and a folding chair, were in use as weapons.
- 16.53.40 The number of Rangers fans on the pitch had increased to about 200, and clashes with Hibs fans continued.
- 16.55.00 Mounted Police, who had been in their post-match deployment positions outwith the stadium, entered the tunnel at the South West corner.
- 16.55.38 The detachment of 12 mounted Police Officers was deployed at the West end of the pitch and began to move eastwards.
- 16.56.00 An announcement was made over the public address system “Please clear the pitch”.
- 16.56.14 A line of Police Officers began to form across the width of the pitch.
- 16.56.21 The Police line, with mounted Officers behind, began to move the Hibs fans eastwards.
- 16.57.00 The Police line began to stabilise at the halfway line.

- 16.57.07 Only a small pocket of Hibs fans remained beyond the halfway line. These individuals, who were continuing to taunt Rangers supporters in the North West corner, were contained by Police Officers.
- 16.57.18 A number of Police Officers, with batons drawn, and assisted by members of Rangers security staff, began to contain the Rangers supporters who had entered onto the pitch in the North West corner.
- 16.58.10 Those Rangers supporters were effectively contained on the track at the edge of the pitch.
- 16.58.18 The small pocket of Hibs fans from the North West corner had been cleared back to the halfway line.
- 16.58.58 The line of Police Officers on foot began to advance eastwards from the halfway line where the mounted Officers held their position.
- 16.59.00 The screen and PA system message was changed to: "Please clear the pitch. There will be no trophy presentation until the pitch is clear".
- 17.00.17 All Rangers fans were back in the stands.

17.03.20 Stewards moved through the Police line which was advancing eastwards, engaged with the Hibs fans and encouraged them to leave the pitch.

17.06.00 The stewards arrived at the East goal line.

17.07.39 The pitch was largely clear of fans.

17.17.00 Screen and PA system message changed to: “The presentation will take place shortly. There will be no lap of honour”.

17.25.00 The Trophy presentation took place.

## **7. GENERAL OBSERVATIONS**

### **7.1. The Pitch Invasion**

7.1.1. There is no evidence to suggest that the pitch invasion was planned, or that the body of regular Hibs supporters was infiltrated by individuals or groups of individuals holding some form of malicious intent. Whilst there is evidence that some supporters, male and female, were affected by the consumption of alcohol, I do not conclude that alcohol played a significant part in causing the invasion. The principal cause of the pitch invasion was the exceptionally high degree of excitement generated amongst Hibs fans by the scoring of what was almost certainly a decisive goal when the match had seconds left, against a background of an unsuccessful season and a long period since the Club had been successful in the Scottish Cup.

7.1.2. Whilst the vast majority of Hibs supporters who went onto the pitch did so in a spirit of jubilation a small number, probably no more than 200, behaved in a manner which went well beyond a manifestation of high spirits. There were incidents involving direct physical confrontation with Rangers players which included the hurling of obscene language and sectarian abuse. Similar conduct was directed at Rangers officials. There was chaos and confusion in the Technical Area. The fans who proceeded to the West end of the Stadium engaged in abusive taunting of Rangers supporters, with a view to

generating a hostile reaction. There were incidents of wilful, direct and abusive defiance of lawful instructions given by Police Officers at the time of the pitch invasion. None of this can be justified on the basis of high spirits.

7.1.3. The fact that players ran into the crowd when the final goal was scored contributed to the generation of the high degree of excitement at the East end of the Stadium. It would be unfair to suggest that this action caused or led to the pitch invasion, but it may have contributed to the impression that direct physical interaction between players and supporters was an appropriate component in the celebrations.

7.1.4. It is not possible, other than by the construction of physical barriers such as moats or fencing, to prevent an influx of several thousand people onto a football pitch. Such barriers are not appropriate for Scottish football grounds in modern conditions. In certain circumstances the appropriate evacuation route for sections of a crowd within a stadium will be by moving them onto the field of play.

7.1.5. The number of stewards deployed within the Stadium at Hampden Park on the afternoon of the 21<sup>st</sup> of May was appropriate. It considerably exceeded the number recommended by The Green Guide. That number was consistent with stewarding levels at previous football matches in the same risk category. In general terms, stewards have no lawful authority to physically prevent persons encroaching onto the pitch.

7.1.6. Other than by physical barriers, the pitch invasion could only have been prevented by the deployment of Police Officers within the Stadium in very large numbers. It is not possible to say what that level of deployment would have been, but such internal deployment would have been wholly disproportionate to the overall risk. In current circumstances threats external to the Stadium, whether involving the activities of departing supporters or from wider security concerns, are matters which need to be balanced against the potential for disorder within it.

7.1.7. Had the Hibs supporters who invaded the pitch stopped at the halfway line and confined themselves to celebrating their team's victory, there would have been little need for this inquiry. The violent scenes which caused apprehension to many within the ground, and wider public condemnation, were caused by the minority who behaved in the manner indicated in paragraph 7.1.2 above. The hostile and irresponsible attitude of that minority requires to be addressed. Whilst there may be some who are impervious to reason, I have heard evidence that the Supporter Liaison Officer Scheme, recommended by UEFA, has had considerable success in moderating the attitude of fans and in particular the behaviour of travelling supporters.

7.1.8. There was evidence that in the course of the Match sections of the crowd in West Stand merited greater Police attention than those in the East. This was

because of the discharge of pyrotechnics and the singing of sectarian songs. That said, when the pitch invasion occurred the overwhelming majority of Rangers supporters behaved properly and many simply left the Stadium. A small number allowed themselves to be taunted by the Hibs fans to the point of invading the pitch for the purpose of physical confrontation.

7.1.9. There is no basis for criticism of the actions of the G4S staff or stewards. The number of stewards within the stadium was appropriate, and indeed was the number contracted for. The stewards at the East end could not have prevented the pitch invasion. Their reaction to it was appropriate. The steward who was by the side of Rangers goalkeeper within 15 seconds of the invasion is to be particularly commended. At the East end, one or two stewards ultimately opened the gates which led onto the pitch. Although this action led to more supporters going onto the field of play, it was not an unreasonable step to take in the interests of safety and by that stage made little or no practical difference. I reject any criticism of this action on their part.

7.1.10. I have heard evidence that disabled Rangers supporters in the South Stand felt particularly threatened during the pitch invasion. This would not have occurred had the Hibs supporters chosen to behave responsibly or if they had been prevented from advancing beyond the halfway line. Further, there was a concern on the part of some disabled supporters that on exiting the Stadium through the South West tunnel, they were placed in danger by the oncoming Police horses. I have seen the CCTV footage which covers part

of that area and whilst I do not consider that the arrival of the horses placed these supporters in real danger, I can fully sympathise with the perception of danger which these large animals must have created to those in wheelchairs. The situation might be improved by the installation of a barrier along the line of the designated walkway which exists in this tunnel. There is such a barrier in the South East tunnel.

## **7.2. The Police Response**

7.2.1. It is appropriate to examine this in three phases, namely (1) the reaction to the build-up of supporters within the aisles in the East stand and the subsequent rush onto the pitch, (2) the reaction to the incursion of a number of supporters beyond the half way line, and (3) the steps taken to clear the pitch.

7.2.2. In this examination it is necessary to keep in mind the overall Police resources, and to acknowledge the fact that streets leading away from the Stadium and the public areas in proximity to public transport facilities require significant policing for the protection of the public at the conclusion of a major football match. For this reason a greater number of Officers were deployed externally than were within the ground as the match drew to a conclusion.



7.2.3. The build-up of supporters in the aisles was not necessarily indicative of an imminent pitch invasion. Such conduct is not unusual when a late goal is scored. In any event by that stage the Track Detail had been deployed. There were no further Police Officers available within the Stadium to reinforce the Track Detail, and having regard to the overall picture and to the assessment of risk of a pitch invasion, that was not an unreasonable position.

7.2.4. A more difficult question is, should there have been a reserve of Police Officers available to deploy across the centre of the pitch once an invasion took place? With the benefit of hindsight, the answer is certainly yes. I have heard conflicting opinions as to whether the availability of such a reserve would have been a reasonable precaution on this occasion. Those who are of the view that such a step was unnecessary point to the absence of intelligence suggesting that a pitch invasion might occur and to the absence of any tendency on the part of supporters of either club to engage in mass pitch invasions (at least since 1980). The opposing view is that this was a high-profile match with a lot at stake; that over enthusiastic celebrations were to be anticipated and that it was clear from the point of the Hibs equaliser that a dramatic finish was in prospect. It has even been suggested that the presence of a reserve should be “standard practice” at end of season matches.

7.2.5. I am not disposed to express a view one way or the other. What I would say is that for future Cup Finals or similar occasions at Hampden, where much

is at stake and a dramatic conclusion is likely to generate high levels of excitement, serious consideration must be given, **even without the requisite intelligence**, to the deployment of a reserve of Officers along the lines of that which was available for the Celtic v. Rangers match in February 2015.

7.2.6. The operation to clear the pitch worked according to standard Police tactics. A significant feature is that it was carried out without force and without major injuries to Police, stewards or public.

7.2.7. It serves no useful purpose to compare the actions of Police Officers at either end of the Stadium. The two situations were markedly different. Whilst there was a mass invasion at the East end, the number of spectators involved at the West end was relatively small. The Police tactics in dealing with them were necessarily different.

## **8. THE MATTERS UNDER REVIEW**

**8.1.** I now turn to deal with the specific matters which I am invited to consider.

**8.2. Were all reasonable precautions taken by the SFA, Rangers FC, and Hibernian FC to minimise the possibility of the pitch invasion and related events?**

8.2.1. As previously noted, the responsibility for safety and security at the Match rested with the SFA through its subsidiary, HPL. The principal responsibilities of the participating clubs related to the allocation and sale of tickets to recognised supporters, and providing feedback to Police Scotland and the HPL Safety Officer of any intelligence relating to potential trouble in or outside the Stadium. I am satisfied that both Clubs discharged these responsibilities. They also complied with any requests made to them by the SFA. I am not aware of any further precautions which the Clubs might have been expected to take.

8.2.2. In relation to the SFA, the arrangements for the Match did not deviate from those made for similar occasions involving capacity crowds and in the absence of intelligence I do not consider that there are any reasonable precautions against a pitch invasion which might have been taken.

**8.3. Was there adequate liaison regarding security measures between and among the SFA; Police Scotland; G4S; Rangers FC and Hibernian FC prior to, during and at the end of the match, and thereafter?**

8.3.1. Prior to the Match, the requisite Pre-Ops and Ops Meetings occurred as planned. In addition to these, there was regular communication and correspondence between the SFA, HPL, Police Scotland, G4S, Rangers and Hibernian as and when appropriate.

8.3.2. Whilst the Match was ongoing, the Police Match Commander was located in the Control Room on Level 4 of the Stadium, together with the HPL Safety Officer. The Control Room is staffed mainly by Police and G4S personnel, provides excellent visibility over the pitch and allows the Match Commander and Safety Officer to co-ordinate their resources throughout the Match. In the pitch-side Technical Area were located the Police Tunnel Commander, a number of SFA officials, the Hibs Safety Officer and the two senior Rangers Safety Officers, with a third Rangers Safety Officer based in the Control Room. Communications throughout the Stadium among the various security personnel were maintained by way of radio, telephone and verbal messages.

8.3.3. At the conclusion of the match, the senior security personnel were generally deployed as per 8.3.2. Once the pitch invasion began, such personnel used their initiative to proceed to those areas of the Stadium where their influence, knowledge and experience would be best utilised. By all accounts, the initial moments of the pitch invasion, particularly in the Technical Area, were quite chaotic. That said, I have not heard any suggestion that communication between security personnel was inadequate at the end of the Match and during the ensuing pitch invasion.

8.3.4. Once order had been restored and the Trophy presentation had taken place, the Stadium emptied of supporters. A press conference was held at approximately 18.00 hours, followed by a Crisis & Liaison Group Meeting at 18.30. In attendance at that Meeting were the Chief Executive and other officials of the SFA, the Police Match Commander and other senior Police Officers, the HPL Safety Officer and his deputy, senior G4S staff, a representative of the Scottish Government, the Hibs Safety Officer and one of the Rangers Safety Officers. Following on from that meeting, this Independent Inquiry was commissioned by the SFA, and Police Scotland launched an investigation into alleged criminal conduct. The SFA, HPL, and both Clubs have, at the time of writing, been fully co-operative with this Inquiry. I am not in a position, nor would it be appropriate, to comment on the level of co-operation given by the SFA, HPL and the Clubs to Police Scotland. That said, I have heard submissions and have had produced to me documents which suggest that the relevant parties are co-operating with the Police as required.

**8.4. Did the Stadium configuration, segregation, seat sale and seating arrangements contribute to the circumstances giving rise to the pitch invasion?**

8.4.1. No issues arise in my view from the arrangements for seat sale, seating and segregation. The seats were allocated on the basis of equal division and I am satisfied that both Clubs made tickets available only to supporters whose names were on their databases. Only two individuals who encroached upon the pitch purportedly as Hibs fans have not been traced to the Hibs database. Whilst one cannot exclude the possibility of tickets falling into the “wrong” hands (by which I mean “casuals” or supporters of other teams) there is no other evidence of this having happened. No problems arose due to seating arrangements or segregation. There was no trouble at the segregation zone in the North Stand which is relevant to the pitch invasion.

8.4.2. The configuration of the Stadium may have contributed to making the invasion easier than it would be at other football grounds. The unique feature of Hampden Park, as a venue for football in Scotland, is the existence of the area for an athletics track round the pitch and the open “D” shaped areas at each end. These open spaces make it easier for Police and stewards to stop individuals who run towards the pitch simply because there is more time to catch them than there is in stadia where the pitch is much closer to the perimeter of the public areas. The open spaces do, however, result in the

Police Officers and stewards being more stretched than elsewhere, and in consequence of that it is more difficult to create an effective line to deter pitch invaders who come over the wall in numbers.

8.4.3. Whilst the form of the “Moat” did not contribute to the invasion, it is fairly clear from the ease with which a number of individuals traversed the wires within it, that these may not provide much by way of physical deterrent. It has been suggested to me that there are more effective, alternative products commercially available. I have not had the opportunity in the time available to look into the effectiveness of, for example, some form of netting, but would suggest that alternatives to the existing system should be considered.

8.4.4. I would also recommend that consideration be given to the installation of a retractable tunnel leading to the players’ exit, as exists at other football stadia. On the 21<sup>st</sup> of May 2016, the whole Technical Area became difficult to control due to the number of individuals seeking to leave the pitch and who became caught up with Hibs fans who also moved into that area. A narrower passageway would provide for greater control.

**8.5. Were the response reaction times of each of the SFA, Police Scotland, G4S, Rangers FC and Hibernian FC in identifying, dealing with and resolving the pitch invasion and all related consequences satisfactory?**

8.5.1. In my view, the critical questions in this Inquiry do not relate to the reaction **times** of any of the above organisations. There was no plan in place to **prevent** a pitch invasion on the scale which occurred, so there can be no question of delay in preventing it. The plan to resolve a pitch invasion was underway in less than four minutes from the final whistle. At the end of the Match, each of the agencies played an appropriate part in seeking to clear the pitch of those for whom they had respective responsibilities.

**8.6. Are there measures that can be taken to improve the safety of players, officials, and others proximate to the pitch at any stadium where major association football matches are held under the auspices of the SFA?**

8.6.1. In this respect I can confine myself to three observations. These are (1) that the availability of a Police reserve for rapid deployment across the halfway line at the first sign of any pitch invasion would in itself provide a raised level of protection. (2) There should be a review of the practice which instructs players and officials to make their way to the centre circle in the event of an emergency. In certain circumstances – for example a pitch invasion – it would be more appropriate for players and officials to leave the pitch as quickly as possible. (3) The provision of a retractable tunnel at



Hampden would provide for a greater degree of control over those making towards the players' exit, making it safer for those with a legitimate interest in being there.

## 9. RECOMMENDATIONS

9.1. In the light of the above my recommendations are as follows:

9.1.1. In relation to the stadium itself, consideration should be given to replacing the wires within the “moats” with one of the alternative products commercially available which are less easy to stand on. As observed in paragraph 8.4.3 above, I have not had the opportunity, within the time available, to afford specific consideration to which alternative product is to be preferred;

9.1.2. Consideration should be given to the installation of electronic gates which may be opened centrally in the case of emergency. I make this suggestion with a view to relieving individual stewards of the responsibility of determining when and in what circumstances it may be appropriate to allow spectators to proceed towards the pitch. I understand that such a centralised system exists elsewhere. Again, I have not had an opportunity to examine this alternative or to consider all the implications of it. I can see merit in the suggestion that it adds to the “sanctity” of the field of play;

9.1.3. Consideration should be given to the installation of a retractable tunnel to make the entry and exit of players and officials onto the field of play more secure;

- 9.1.4. Consideration should be given to the installation of handrail or similar clearly delineating a pedestrian/ wheelchair walkway on the South West access tunnel to the Stadium;
- 9.1.5. More specific warnings should be given to football supporters to the effect that it is unacceptable to encroach onto the pitch. Such an action should be specifically described as “unacceptable conduct” in the SFA Unacceptable Conduct Policy. It should be made clear that mass incursions onto the pitch, however innocently intentioned, serve as an impetus for disorderly behaviour and a screen for violence by a minority;
- 9.1.6. Discussions should take place with The Scottish Government as to whether it should be made a specific statutory offence to go onto the pitch without lawful authority at a designated football stadium. I acknowledge that this is a matter which requires full debate. It could be argued that the existing provisions of both Common and Statute Law are sufficient, and that fear of conviction of a statutory offence would not have affected the actions of the large numbers who invaded the pitch on 21<sup>st</sup> May. On the other hand, the very existence of a statutory prohibition might serve to send home the message that proceeding onto the field of play is likely to result in automatic sanction under the criminal law;

9.1.7. Football officials should continue to take a strict line with players who leave the field of play to engage physically with spectators. Players need to be reminded regularly of the dangers of causing crowd “surges” and the possibility of injuries for which their actions may be responsible, and the need to discourage the notion that physical interaction between players and fans is acceptable;

9.1.8. Police Scotland should be invited to consider, at every match where the conclusion is likely to lead to uncontrollable celebrations, the provision of a reserve of Officers who are in a position to deploy across the pitch immediately on the final whistle if there is any indication of an incursion by fans;

9.1.9. In line with UEFA Guidelines, all clubs should be encouraged to appoint a Supporter Liaison Officer (“SLO”). The function of a SLO would be to encourage responsible behaviour amongst supporters, in particular by creating and disseminating clear policies on supporter behaviour as well as developing relationships between supporter groups and football authorities.

Edward F. Bowen CBE QC

25 July 2016