

Annex 5

Guidance by the Scottish Professional Football League Limited to Clubs on Unacceptable Conduct at a Stadium on the occasion of an Official Match in Terms of SPFL Rule H37.

Effective:- 1 January 2017.

SPFL Rules H33, H34 and H35 describe the responsibilities of Clubs in this area. They are included below for ease of reference.

Capitalised words and phrases used in this Guidance have the meaning given to them in the SPFL Rules.

The footnotes to the Guidance comprise part of the Guidance.

<p>H33 The Home Club in any Official Match must ensure, so far as is reasonably practicable,</p> <p>H33.1 good order and security;</p> <p>H33.2 that policies and procedures have been adopted and are implemented to prevent incidents of Unacceptable Conduct; and</p> <p>H33.3 that any incidents of Unacceptable Conduct are effectively dealt with, all at its Stadium on the occasion of an Official Match</p>
<p>H34 Each Club must ensure, so far as is reasonably practicable, that:</p> <p>H34.1 its Players, officials, supporters and any person exercising a function for or connected with the Club do not engage in Unacceptable Conduct at a Stadium on the occasion of an Official Match;</p> <p>H34.2 it identifies any of its supporters who engage in Unacceptable Conduct at an Official Match; and</p>

H34.3 it takes proportionate disciplinary measures in respect of supporters so identified in terms of Rule H34.2.

H35 Any failure by a Club to discharge a requirement to which it is subject by virtue of Rules H33 and/or H34 shall constitute a breach of these Rules.

The definition of what constitutes Unacceptable Conduct is provided at SPFL Rules H25 to H32.

An Official Match is a match played in any Competition owned and operated by the SPFL.¹

The Scottish FA has its own Guidance applicable to the Scottish Cup.

SPFL Rule H33 applies to the Home Club in relation to any Official Match and SPFL Rule H34 applies to both the Home and Away Clubs in relation to any Official Match.

In considering any alleged failure to discharge the requirements of SPFL Rules H33 and/or H34, which may constitute a breach in terms of SPFL Rule H35, a decision maker shall take into account whether the Club concerned has complied with this Guidance.²

In determining whether all reasonably practicable steps have been taken by a Home Club it is recognised that stadium operations prior to and during an Official Match may be subject to the control of a police match commander and decisions taken by other public authorities.³ Whether to intervene in the case of an incident of Unacceptable Conduct during the course of an Official Match may, depending on the match arrangements, be subject to determination by the police, and not necessarily by the Home Club.

In this Guidance a Club's "Home Ground" is any stadium, including its Registered Ground, at which it is the Home Club in an Official Match.

¹ SPFL Rule A4

² SPFL Rule H38

³ SPFL Rule H36

Each Club should:-

Club Unacceptable Conduct Statements

1. Issue and publish a written statement in all forms of Club communication to its supporters, including on any Club website, by email and by all forms of social media used by the Club, that it condemns and will not tolerate any form of Unacceptable Conduct by any person at Official Matches at its Home Ground and by or amongst its supporters, Officials, Players and others connected with the Club at Away Matches ("the Statement").
2. Include:-
 - (i) in the Statement notification that search procedures may be operated by the Club at its Home Ground, that those entering its Home Ground are deemed to have agreed to be subject to such search procedures and that items may be confiscated during such a search if they are considered to fall within paragraphs 6 and/or 7 of this Guidance;
 - (ii) in the Statement examples the type of behaviour considered to constitute engaging in and/or contributing to Unacceptable Behaviour;
 - (iii) in the Statement examples of disciplinary sanctions(s) that the Club may take against those who are established by the Club to have engaged in and/or contributed to Unacceptable Conduct at an Official Match; and
 - (iv) the Statement in full in all match day programmes and similar Club publications, be posted in full in an easily accessible position on any Club website(s) and be referred to on Club social media messaging.
3. Display copies of the Statement permanently and prominently throughout, including at all entrances to, its Home Ground and replace any removed or defaced copies of the Statement before the next Official Match at that stadium.

Match Announcements

4. Make announcements over the stadium public address system at every Home first team Official Match and at every other Home Official Match at which the number of supporters present exceeds 250, condemning all forms of Unacceptable Conduct.

Ground Entry Conditions

5. In relation to all Official Matches, make it a condition of its Season and all match day tickets and its ground entry conditions and/or regulations that purchasers and holders of such tickets and all other entrants to its Home Ground:-
 - (i) must not engage in Unacceptable Conduct at an Official Match;
 - (ii) adhere to the 'Fans' Charter' published by the Scottish FA at www.scottishfa.co.uk/scottish_football.cfm?page=3441 and any amended or replacement version of that Charter; and
 - (iii) agree to be subject to being searched on seeking entry to and whilst in its Home Ground for any flag(s), banner(s) and the like which may contain offensive or otherwise unacceptable material and/or flares, fireworks, devices capable of emitting smoke or the like and/or any other object which may cause or be part of Unacceptable Conduct and that any such item(s) brought into or attempted to be brought into its Home ground shall be liable to be confiscated.

Search and Confiscation

6. If it suspects that a person seeking entry to or within its Home Ground for an Official Match may have in his/her possession any flag(s), banner(s) and the like which may contain offensive or otherwise unacceptable material and/or flares, fireworks, devices capable of emitting smoke or the like and/or any other object which may cause or be part of any incident of Unacceptable Conduct then it shall require that person to be searched and shall search that person and confiscate and deliver to the police any such flag(s), banner(s) and the like which may contain offensive or otherwise unacceptable material and/or flares, fireworks, devices capable of emitting

smoke or the like and/or any other object which may cause or be part of any incident of Unacceptable Conduct.

7. Advise all entrants to a stadium at which an Official Match is or will be played that any person having any such any flag(s), banner(s) and the like which may contain offensive or otherwise unacceptable material and/or flares, fireworks, devices capable of emitting smoke or the like and/or any other object which may cause or be part of any incident of Unacceptable Conduct on his person or any such person refusing to be searched shall not be admitted to the ground and any Season book/ticket or ticket held by him/her shall be liable to be confiscated without compensation and he/she shall be liable to such other proportionate sanction as the Club may determine.

Collection and Sharing of Ticket Issue Information

8. For Official Matches for which tickets have been or shall be sold and/or issued by the Home Club and/or where the Home Club has issued tickets to the Visiting Club to sell and/or issue to the Visiting Club's supporters the:-
 - (i) Home Club shall, except where it is impracticable to do so in circumstances where a ticket is sold by the Home Club at an entrance to the stadium in the period immediately before an Official Match as part of a complete transaction without any form of pre-ordering and where the transaction allows immediate entry to the stadium for a single match to the purchaser, record the names and addresses of all of those to whom it has sold and/or issued a ticket or tickets for any part of the stadium;
 - (ii) Home Club shall, when recording the names and addresses of all of those to whom a ticket or tickets for the Visiting support area(s) of its stadium for an Official Match are sold and/or issued by the Home Club, obtain consent to the disclosure of that information to the Visiting Club;
 - (iii) Home Club shall, if requested to do so by the Visiting Club, provide the names and addresses of those to whom it has sold and/or issued a ticket or tickets to a Visiting support area of its Home Ground for an Official Match;

- (iv) Visiting Club shall, record the names and addresses of all those to whom tickets for a Visiting support area are sold and/or issued by the Visiting Club and shall obtain consent to the disclosure of that information to the Home Club;
- (v) Visiting Club shall, if requested to do so by the Home Club, provide to the Home Club the names and addresses of those to whom it has sold and/or issued a ticket or tickets for the relevant Official Match; and
- (vi) Home Club and the Visiting Club shall, if requested to do so by the Company, each provide to the Company, where recorded, the names and addresses of all of those to whom each has sold and/or issued a ticket or tickets for any part of the stadium for an Official Match.

Internal Disciplinary Action

- 9. Take disciplinary action against any Official, Player or other employee or contractor of the Club who engages in or contributes to Unacceptable Conduct at an Official Match.

Pre-Match Information Sharing

- 10. Contact in advance of each Official Match at its Home Ground the Visiting Club against which it is scheduled to play such Official Match and any Match Delegate for such Official Match appointed by the League, to ensure that they each understand the Home Club's policies and procedures regarding, to deal with and to prevent incidents of Unacceptable Conduct within its stadium. In the case of an Official Match in the Premiership, such contact shall be by meeting⁴ in advance of such an Official Match.

Policies and Procedures

- 11. Develop, document, implement and communicate a strategy, policies and procedures to be followed at Official Matches at its Home Ground by its Officials, Players, ground safety and operations staff, stewards, police and Officials of Visiting Clubs for preventing and dealing with incidents of Unacceptable Conduct; to include the identification of those who engage in such Conduct and, where reasonably practicable

⁴ A meeting in this context need not be held on a 'face to face basis' and can take place by any means which allows for an efficient and effective means of communication, including any one or a combination of: telephone and/or video conference, webcasting, skype or the like or equivalent.

and supported by requisite evidence, the apprehension by police of such individuals within the stadium on the occasion of the Official Match or later where it is not reasonably practicable to undertake such apprehension within the stadium.

Removal of Unacceptable Material from Grounds

12. As soon as reasonably practicable and, in any event, before the next Official Match at its Home Ground, remove from its Home Ground any and all graffiti, propaganda or the like which constitutes, encourages or promotes Unacceptable Conduct.

Development of Programmes

13. Develop pro-active programmes and make progress towards raising awareness of the prevention and, where present, elimination of Unacceptable Conduct in stadia in which Official Matches take place; in conjunction with, amongst others, supporters, schools, voluntary organisations, local authorities, local businesses, sponsors, police, players, Officials and players' representatives.

Annual Report

14. Within two months of the last day of each Season make a written report to the Secretary including:-
 - (i) all such programmes operated by the Club and the progress made with such programmes since the last such report;
 - (ii) the measures taken by the Club to prevent and, where present, eliminate in stadia within which Official Matches take place Unacceptable Conduct;
 - (iii) a summary of the number and type of incidents of Unacceptable Conduct: (a) at its Home Ground and (b) involving its Officials, Players and supporters at Away Grounds;
 - (iv) details of all identifications made and disciplinary actions taken against its players, Officials, supporters and others in connection with and arising out of incidents of Unacceptable Conduct at Official Matches; and
 - (v) a copy of the Statement of the Club concerned for the next Season.

Incidents of Unacceptable Conduct

15. Bring any Unacceptable Conduct during an Official Match at its Home Ground to the immediate attention of:-
 - (i) any police match commander or his nominee; and
 - (ii) to the Club's safety officer or other Official having control of the stadium.
16. Take all reasonably practicable steps, including by the involvement of spectators, supporters groups, stewards, police, players, Officials and others, to identify those who engage in and/or contribute to Unacceptable Conduct at an Official Match.

CCTV Systems and Retention of Data

17. If it is a Club entitled for the time being to participate in the Premiership, install and fully utilise at every Official Match at which it is the Home Club an efficient and effective CCTV system capable of identifying, recording and retaining the facial image of persons engaging in Unacceptable Conduct within the areas of its Home Ground where the Match may be viewed and at other locations within the stadium to which spectators have access.
18. Record and retain all moving and still images and audio recordings of spectators and Officials taken and/or made by or on behalf of a Club relating to or concerning an Official Match until the later of:
 - (i) not less than [14] clear days have elapsed after the relevant Official Match; and
 - (ii) where the Company has notified a Club in writing that there is or may be an investigation by the Company regarding Unacceptable Conduct at an Official Match, the Company has given written permission for such recordings not to be so retained.

Investigation and Reporting of Incidents of Unacceptable Conduct

19. Where it has any evidence or information that they may have been Unacceptable Conduct at an Official Match in which any one or more of its Officials, Players,

supporters or others engaged or contributed to, except to the extent that it would be unlawful for the Club concerned, expeditiously:-

- (i) investigate such alleged engagement and/or contribution on the part any one or more of its Officials, Players, supporters or others connected with the Club;
- (ii) impose disciplinary action/sanctions, as set out in paragraphs 9 and 21 of this Guidance, on those established to have so engaged and/or contributed to such Unacceptable Conduct; and
- (iii) report in writing to the Secretary, the details of all incidents of Unacceptable Conduct in which any of its Officials, Players, supporters and others connected with the Club have been engaged and/or have contributed to, the investigation carried out, the identity of those identified as having engaged in and/or contributed to such Unacceptable Conduct and the disciplinary action taken against those established to have so engaged and/or contributed.⁵

20. Fully liaise with the police so as to assist any police investigations into an incident which may involve criminal conduct at an Official Match and seek to obtain from the police any evidence in the possession of the police which may assist a Club investigation, a Company investigation and/or the identification and disciplining by the Club of an Official, Player, other employee, contractor or supporter of the Club who has engaged in and/or contributed to Unacceptable Conduct at an Official Match.

Sanctions for Unacceptable Conduct

⁵ An investigation by the police into an incident which may involve Unacceptable Conduct and the arrest and/or charging of those alleged to have been involved are not in and of themselves a reason or reasons for a Club not to carry out its own investigation into such conduct and to take disciplinary action/sanctions against those who are established by the Club to have engaged and/or participated in Unacceptable Conduct. There may be exceptional circumstances in which the police specifically request that a Club defer an investigation and/or the taking of disciplinary action; in addition when charges have been brought, a warrant for arrest has been granted and/or a prosecution is pending there may be restrictions imposed by law on certain actions a Club can take. In such circumstances Clubs should consult with the police, prosecuting authorities and/or its own legal advisors on whether its own investigations and/or disciplinary processes can continue pending the resolution of criminal procedures. Any such deferral should be for the minimum period possible and should be fully documented with specific reasons.

21. Apply proportionate sanction(s) against a supporter or person exercising a function for or connected with that Club (other than as an Official, Player or other employee or contractor of the Club, each of whom are to be dealt with in terms of paragraph 9 above) who engages in Unacceptable Conduct at an Official Match and who has been, or is reasonably capable of being, identified. The range of such sanctions should include exclusion from the Home Ground of the Club concerned, exclusion from all forms of Club organised and/or supported travel and/or the confiscation, without compensation, of any Season book/ticket(s) held by such person for a period or periods of time or indefinitely and/or the exclusion from being able to purchase or otherwise acquire tickets for Away Matches which may be sold or otherwise distributed by the Club concerned.

Club Records

22. Keep a written record, a copy of which should be promptly made available to the Secretary on request, of all requests made by the Club for police assistance and/or police intervention in relation to incidents of Unacceptable Conduct at its Home Ground at Official Matches and the response of the police to such request(s) and of all Club investigations regarding alleged Unacceptable Conduct and any disciplinary action taken and/or sanctions imposed.

Annex 6

Rules of Procedure

1. General Rules

- 1.1 These Rules of Procedure have been made by the Board under and in terms of Rule J13 and they shall apply to pre and post hearing procedures and hearings in relation

to:-

1.1.1 an alleged breach of or failure to fulfil the Rules;

1.1.2 Appeals;

1.1.3 an application for consent, approval, permission, waiver, period of grace or the like made in terms of the Rules;

1.1.4 Adjudications;

1.1.5 a Compensation Tribunal hearing an application for Compensation;

1.1.6 an appeal in connection with Development Contribution;

1.1.7 an appeal to an Appeal Tribunal in terms of Rule E11;

1.1.8 any other proceedings or process where the Board considers it appropriate that they should apply.

1.2 Definitions of words and phrases in the Rules of the Scottish Premier League shall apply in these Rules of Procedure. In these Rules of Procedure the Board, including any subcommittee of the Board, a Commission and other body appointed in terms of the Rules to enquire into and/or determine any matter is referred to as a "Tribunal".

1.3 Any deviation from any provision of these Rules of Procedure and/or any other irregularity, omission, technicality or other defect in the procedures followed shall not invalidate any finding, procedure or decision unless it is shown to render the proceedings unreliable or to have caused a miscarriage of justice.

1.4 Notwithstanding these Rules of Procedure, a Tribunal shall have the power to

regulate the hearing procedures adopted by it and in so doing any may deviate from the hearing procedures in part 2 of these Rules of Procedure as it considers appropriate and expedient so as to dispose of any matter before it justly and expeditiously.

- 1.5 A Tribunal may be assisted by the Secretary (or his substitute), other clerk, legal adviser and/or technical expert as shall be considered expedient by the chairman of the Tribunal. The Secretary (or his substitute), legal adviser and/or technical expert shall be entitled to take such part in the proceedings, except that he or she shall not have a vote, prior to and at any hearing as the chairman shall think appropriate and shall be entitled, with the permission of the chairman, to be present and give advice to the Tribunal when the Tribunal undertakes its deliberations on any matter before it. Any advice given by any technical expert appointed to assist the Tribunal shall be disclosed to parties in advance of any determination being made by a Tribunal which takes account of such advice and parties shall be afforded a reasonable opportunity to make representations on such advice before any such determination is made.
- 1.6 Except as otherwise provided in the Rules or in these Rules of Procedure the chairman of a Tribunal shall be entitled to determine any issue or matter of procedure arising prior to, during or in connection with any hearing.
- 1.7 The chairman of a Tribunal shall be entitled to make such order or orders as he may think appropriate and/or expedient in advance of any hearing or adjourned hearing requiring any person or party to attend at a hearing, to produce any document or provide any information to any hearing, to provide in advance of any hearing a written submission or outline of case or the like, to provide details of any witnesses who may be called at any hearing, to provide in advance, by such time or times as he may think appropriate, written statements of such witnesses and any documents or other materials as may be in the possession of such person or party, to disclose any or all of such to any other parties with an interest in the proceedings and any other order as he considers will assist in securing a just and expeditious disposal of any matter or issue before or which may be before the Tribunal.

- 1.8 The chairman of the Tribunal may make such enquiries or direct that such enquiries be made as regards the facts related any matter for consideration by the Tribunal and adduce such evidence secured by such enquiries to the Tribunal as he shall consider appropriate and expedient for the purpose of securing a just and expeditious disposal of any matter or issue before or which may be before the Tribunal.
- 1.9 In the event that a party to any proceedings before a Tribunal shall fail to comply with any order or requirement of the chairman of the Tribunal then the chairman shall be entitled to impose such sanction and/or make such default order, including an order granting any remedy or relief sought or dismissal of any claim made as shall seem appropriate to the chairman.
- 1.10 All hearings shall be conducted in private.
- 1.11 A Tribunal shall be entitled to adjourn or postpone a hearing as it sees fit.
- 1.12 Except with the express approval of the Board or the chairman, no member of a Tribunal or any person or party appearing or attending, in any capacity, at a hearing before a Tribunal shall make any statement or disclosure to any third party concerning any event which took place at and any statement made or document or other materials considered during or in connection with such a hearing.
- 1.13 A Tribunal shall be entitled to determine any matter before it notwithstanding that a party invited or entitled to attend shall fail, decline or shall elect not to attend and/or present any evidence and/or make any representations at or to a hearing.

2. Hearing Procedures

- 2.1 At the commencement of any hearing, the chairman of the Tribunal shall confirm the identities of the persons admitted to the hearing and introduce the members of the

Tribunal and of any clerk, legal adviser and/or technical expert assisting the Tribunal. The chairman shall confirm the nature of the matter or matters in issue before the Tribunal and confirm what documents and other materials are before the Tribunal. The chairman shall also outline the procedures to be followed during the course of the hearing including the order in which parties shall present their respective cases if more than one is present.

- 2.2 Where the Secretary (or his substitute) has gathered evidence in relation to the matter for determination by a Tribunal he shall present such evidence as the first evidence at a hearing.
- 2.3 Where any evidence has been secured as a consequence of enquiries made by or on behalf of the chairman, and he has determined that same shall be adduced, he shall make such evidence available to the Tribunal as the second evidence at any hearing.
- 2.4 Parties appearing before a Tribunal may present evidence by oral or written statement, produce original documents or copies, refer to them and call witnesses.
- 2.5 In any case where a witness does not attend at a hearing for whatever reason, the Tribunal shall be entitled to take account of that witness' evidence as is made apparent to it in any other form. This includes, for example, by telephone, teleconference, video, web conference, recording, affidavit, report or written statement. Witnesses who are not parties or officers of parties shall not be allowed to be present during the hearing except when they are to give evidence. After giving evidence, witnesses shall retire but shall be subject to recall by or with the permission of the chairman of the Tribunal.
- 2.6 A Tribunal shall not be bound by any formal rules of evidence and may accept evidence in any form. However it shall be entitled to accord to evidence such weight as seems to the Tribunal proper having regard to the quality of the evidence and the reliability and credibility of same.

- 2.7 The members of a Tribunal may ask such questions of any party or witness at any time. There shall be no cross-examination of witnesses by or on behalf of a party, except through or with the permission of the chairman of the Tribunal.
- 2.8 Generally, where a determination on a matter of principle or liability falls to be made by a Tribunal the determination of same shall be made and communicated to the party or parties concerned in advance of the consideration and determination of any issue of penalty, remedy, *quantum* or the like.
- 2.9 Prior to the parties being invited to leave the hearing, the parties shall be given the opportunity of making closing submissions in such order as shall seem most appropriate to the chairman.
- 2.10 A Tribunal shall conduct its deliberations in private.
- 2.11 A Tribunal may reconvene and announce any decision orally to the party or parties.