

Football Spectators and Sports Grounds Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office and the Department for Culture, Media and Sport, are published separately as Bill 59 – EN.

Football Spectators and Sports Grounds Bill

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B I L L

TO

Amend the law relating to football banning orders and their enforcement; to confer further powers on the Football Licensing Authority and to amend its name; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

FOOTBALL SPECTATORS

1 Prohibiting attendance at matches in Scotland and Northern Ireland etc.

- (1) In the provisions of the 1989 Act listed in subsection (2), for “England and Wales” (in each place) substitute “the United Kingdom”. 5
- (2) The provisions are—
- (a) in section 14 (definition of banning order and other terms), subsections (2), (3), (4), (5) and (6),
 - (b) in section 19 (functions of enforcing authority and local police), subsections (2), (2A) and (2E)(a), and 10
 - (c) in section 21A (summary measures: detention), subsection (1).
- (3) In section 19(2B)(b) of the 1989 Act, omit “if the match is outside the United Kingdom”.
- (4) In this Act “the 1989 Act” means the Football Spectators Act 1989 (c. 37).

2 Requirements to report at police stations 15

- (1) The police station specified under any of the provisions listed in subsection (2) may be in England, Wales, Scotland or Northern Ireland.
- (2) The provisions are—

-
- (a) section 14E(2) of the 1989 Act (banning order to include requirement to report initially at specified police station);
- (b) section 19(2B) of the 1989 Act (notice, in connection with regulated football match outside United Kingdom, requiring person to report at specified police station); 5
- (c) section 53(2) of the 2006 Act (football banning order to include requirement to report initially at specified police station);
- (d) section 61(4) of the 2006 Act (notice, in connection with regulated football match outside United Kingdom, requiring person to report at specified police station). 10
- (3) In section 14E(2) of the 1989 Act, omit “in England and Wales”.
- (4) In section 53(2)(a) of the 2006 Act, omit “in Scotland”.
- (5) In section 66(1) of the 2006 Act, for “Scotland” substitute “the United Kingdom”.
- (6) In this Act “the 2006 Act” means the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10). 15
- 3 Enforcement of 1989 Act in Scotland and Northern Ireland**
- (1) The following provisions of the 1989 Act extend to Scotland and Northern Ireland –
- (a) section 14J(1) (offence of failing to comply with a requirement imposed by a banning order or a requirement imposed under section 19(2B) or (2C)); 20
- (b) section 19(6) (offence of failing, without reasonable excuse, to comply with a requirement imposed under section 19(2));
- (c) section 20(10) (offence of making a false statement, etc. in connection with an application for exemption from requirements imposed by or under Part 2). 25
- (2) But in Scotland it is a defence where a person is charged with an offence by virtue of subsection (1)(a) to prove that the person had a reasonable excuse for failing to comply with the requirement in question. 30
- (3) A person guilty of an offence by virtue of subsection (1)(a) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (4) A person guilty of an offence by virtue of subsection (1)(b) is liable on summary conviction to a fine not exceeding level 2 on the standard scale. 35
- (5) A person guilty of an offence by virtue of subsection (1)(c) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- 4 Enforcement of 2006 Act in England and Wales and Northern Ireland**
- (1) The following provisions of the 2006 Act extend to England and Wales and Northern Ireland – 40
- (a) section 68(1) and (2) (offences of failing to comply with a requirement imposed by a football banning order, under section 61(1) or by a notice under section 61(4), and defence of reasonable excuse);

- (b) section 68(5) (offence of making a false statement, etc. in connection with an application for exemption from a notice under section 61(4) of the 2006 Act).
- (2) A person guilty of an offence under section 68(1)(a) or (c) of the 2006 Act by virtue of subsection (1)(a) is liable on summary conviction— 5
- (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks or a fine not exceeding level 5 on the standard scale (or both);
- (b) in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- But in relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) the reference in paragraph (a) to 51 weeks is to be read as a reference to 6 months. 10
- (3) A person guilty of an offence under section 68(1)(b) of the 2006 Act by virtue of subsection (1)(a) is liable on summary conviction to a fine not exceeding level 2 on the standard scale. 15
- (4) A person guilty of an offence by virtue of subsection (1)(b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) Articles 1(5) and 5 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098) cease to have effect. 20
- 5 Relevant offences for purposes of Part 2 of 1989 Act**
- In Schedule 1 to the 1989 Act (offences), in paragraph 1(a)—
- (a) after “14J(1)” insert “, 19(6), 20(10)”, and
- (b) after “of this Act” insert “or section 4 of the Football Spectators and Sports Grounds Act 2008”. 25

PART 2

SPORTS GROUNDS SAFETY AUTHORITY

- 6 Football Licensing Authority to become Sports Grounds Safety Authority**
- (1) The body established by section 8 of, and Schedule 2 to, the 1989 Act— 30
- (a) is to continue in being, but
- (b) instead of being called the Football Licensing Authority is to be called the Sports Grounds Safety Authority.
- (2) Schedule 1 contains further provisions relating to the Authority.
- (3) *The expenses of the Authority are to be paid by the Secretary of State.*
- 7 Advice to Ministers of the Crown** 35
- (1) The Authority may, and if requested to do so by a Minister of the Crown must, provide advice to that Minister—
- (a) in relation to safety at sports grounds generally, or
- (b) with respect to the exercise of any of the functions of that Minister under the enactments specified in subsection (2). 40

- (2) The enactments are –
- (a) the Safety of Sports Grounds Act 1975 (c. 52),
 - (b) Part 3 of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27) (safety of stands at sports grounds), and
 - (c) the 1989 Act. 5

8 Advice to bodies or persons in England and Wales

- (1) The Authority may provide advice relating to safety at sports grounds in England or Wales to –
- (a) local authorities, or
 - (b) subject to subsection (2), other bodies or persons. 10
- (2) The Authority may not under subsection (1) provide advice to –
- (a) a Minister of the Crown, or
 - (b) a body or person specified in section 9(1)(a), (b) or (c).

9 Advice to bodies or persons outside England and Wales

- (1) The Authority may, if the conditions in subsection (2) are met, provide advice relating to the safety of sports grounds to –
- (a) the government of a territory outside the United Kingdom,
 - (b) an international organisation, or
 - (c) a body or person not falling within paragraph (a) or (b) whose functions, activities or responsibilities relate in whole or in part to the safety of sports grounds outside England and Wales. 15
- (2) The conditions are that –
- (a) the provision of the advice is at the request of the body or person concerned, and
 - (b) the Secretary of State consents to the provision of the advice. 20
- 25

10 Supplementary

- (1) The Authority may, with the consent of the Secretary of State, charge a fee for the provision of advice under –
- (a) section 9 (bodies or persons outside England and Wales), or
 - (b) if the advice is provided at the request of the recipient, section 8 (bodies or persons in England and Wales). 30
- (2) A fee charged under subsection (1) must not exceed the cost of providing the advice.
- (3) Fees received by the Authority by virtue of subsection (1) are to be treated for the purposes of section 6(3) as reducing the expenses of the Authority. 35
- (4) A consent under section 9(2)(b) or subsection (1) may be given –
- (a) generally,
 - (b) in relation to any particular advice, or
 - (c) in relation to advice of a particular description.
- (5) In this Part – 40

- (a) “local authority” and “sports ground” have the same meaning as in the Safety of Sports Grounds Act 1975 (c. 52) (see section 17(1) of that Act), and
- (b) “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26).

5

PART 3

SUPPLEMENTARY

11 Consequential amendments etc.

- (1) Schedule 2 contains consequential amendments.
- (2) Schedule 3 contains repeals and revocations. 10

12 Extent

- (1) In Part 1 (football spectators)—
 - (a) sections 1, 2 (so far as relating to the 1989 Act), 4 and 5 extend to England and Wales,
 - (b) sections 2 (so far as relating to the 2006 Act) and 3 extend to Scotland, and 15
 - (c) sections 3(1) and (3) to (5) and 4 extend to Northern Ireland.
- (2) Part 2 and Schedule 1 (Sports Grounds Safety Authority) extend to England and Wales only.
- (3) An amendment or repeal of a provision by Schedule 2 (consequential amendments) or 3 (repeals and revocations) has the same extent as that provision. 20

13 Commencement

- (1) Parts 1 and 2 and the Schedules come into force on such day as the Secretary of State may by order made by statutory instrument appoint. 25
- (2) Before making such an order relating to section 2 or 3, the Secretary of State must obtain the consent of the Scottish Ministers.
- (3) Such an order may —
 - (a) appoint different days for different purposes;
 - (b) include transitional or saving provisions. 30
- (4) This Part comes into force on the day on which this Act is passed.

14 Short title

This Act may be cited as the Football Spectators and Sports Grounds Act 2008.

SCHEDULES

SCHEDULE 1

Section 6

THE SPORTS GROUNDS SAFETY AUTHORITY

Status and capacity

- | | | |
|---|---|----|
| 1 | (1) The Authority is a body corporate. | 5 |
| | (2) The Authority is not to be regarded –
(a) as the servant or agent of the Crown, or
(b) as enjoying any status, privilege or immunity of the Crown;
and the Authority's property is not to be regarded as property of, or
property held on behalf of, the Crown. | 10 |
| | (3) The Authority may do anything which is calculated to facilitate the
discharge of its functions, or is incidental or conducive to their discharge. | |

Membership

- | | | |
|---|---|----|
| 2 | The Authority is to consist of –
(a) a person appointed by the Secretary of State to chair the Authority,
and
(b) at least 4 but not more than 8 other members appointed by the
Secretary of State. | 15 |
|---|---|----|

Appointment and tenure of members

- | | | |
|---|--|----|
| 3 | (1) Before appointing a person to be a member of the Authority, the Secretary of
State must be satisfied that the person will have no such financial or other
interest as is likely to affect prejudicially the performance of the person's
functions as a member. | 20 |
| | (2) From time to time the Secretary of State must check that each member has
no such interest. | 25 |
| 4 | A person who is, or whom the Secretary of State proposes to appoint to be,
a member of the Authority must, whenever requested by the Secretary of
State to do so, supply the Secretary of State with such information as the
Secretary of State considers necessary for the performance of the duties
under paragraph 3. | 30 |
| 5 | Subject to the following provisions of this Schedule, a person appointed
under paragraph 2 holds and vacates office in accordance with the terms of
the appointment. | |
| 6 | A person is not to be appointed as a member of the Authority for more than
3 years at a time. | 35 |

- 7 A person may at any time resign office –
(a) as chair of the Authority, or
(b) as a member of the Authority,
by giving the Secretary of State signed notice in writing.
- 8 Where a member begins or ceases to hold office as chair of the Authority, the Secretary of State may vary the terms of the person’s appointment as a member of the Authority so as to alter the date on which the person is to vacate office as a member. 5
- 9 (1) The Secretary of State may declare a person’s office as a member of the Authority vacant if satisfied that the person – 10
(a) has been absent from meetings of the Authority for a period longer than 3 consecutive months without the permission of the Authority,
(b) has become bankrupt or made an arrangement with creditors, or
(c) is unable or unfit to discharge the functions of a member;
and on making such a declaration the office becomes vacant. 15
- (2) A declaration under sub-paragraph (1) may be notified in such manner as the Secretary of State thinks fit.
- 10 A person who ceases to be a member or to hold office as chair of the Authority is eligible for re-appointment.
- Remuneration and pensions of members* 20
- 11 The Authority may pay to each member such remuneration and allowances as the Secretary of State may determine.
- 12 The Authority may pay, or make provision for paying, to or in respect of any member such sums by way of pensions, allowances or gratuities as the Secretary of State may determine. 25
- 13 (1) Sub-paragraph (2) applies if –
(a) a person ceases to be a member otherwise than on the expiry of the term of office, and
(b) it appears to the Secretary of State that there are special circumstances which make it right for the person to receive compensation. 30
- (2) The Authority may make to the person a payment of such amount as the Secretary of State may determine.
- Proceedings*
- 14 The quorum of the Authority and the arrangements relating to its meetings are to be such as the Authority may determine. 35
- 15 (1) This paragraph applies if a member of the Authority is in any way directly or indirectly interested in any matter which falls to be considered by the Authority.
- (2) The member – 40
(a) must disclose the nature of the interest at a meeting of the Authority, and

	(b) must not take part after the disclosure in any deliberation or decision with respect to the matter.	
	(3) The disclosure must be recorded in the minutes of the meeting.	
16	The validity of any proceedings of the Authority are not affected by –	
	(a) a vacancy among the members,	5
	(b) a defect in the appointment of a member, or	
	(c) a failure to comply with paragraph 15.	
<i>Inspectors, officers and other employees</i>		
17	The Authority may appoint inspectors to perform such functions as are assigned to them by or under Part 1 of the 1989 Act or any other enactment.	10
18	The Authority may appoint a secretary and such other officers, and take into its employment such other persons, as it may determine.	
19	The terms and conditions of appointments under paragraphs 17 and 18 require the approval of the Secretary of State.	
20	The Authority must, as regards such of its inspectors, officers and other employees as with the approval of the Secretary of State it may determine –	15
	(a) pay to or in respect of them such pensions, allowances or gratuities (including pensions, allowances or gratuities by way of compensation for loss of employment), or	
	(b) provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.	20
21	(1) Sub-paragraph (2) applies if an inspector, officer or other employee of the Authority –	
	(a) is a participant in any pension scheme applicable to that employment, and	25
	(b) becomes a member of the Authority.	
	(2) If the Secretary of State so determines, the member may be treated for the purposes of the pension scheme as if service as a member of the Authority were service as an employee of the Authority.	
	(3) For the purposes of sub-paragraph (2), it does not matter whether any payments are to be made to or in respect of the member by virtue of paragraph 11 or 12.	30
<i>Accounts and audit</i>		
22	The Authority –	
	(a) must keep proper accounts and proper records in relation to the accounts, and	35
	(b) must prepare for each accounting year a statement of accounts in such form as the Secretary of State, with the approval of the Treasury, may direct.	
23	The Authority must send a copy of the statement of accounts to the Comptroller and Auditor General as soon as reasonably practicable after the end of the accounting year to which the statement relates.	40
24	The Comptroller and Auditor General must –	

- (a) examine, certify and report on each statement of accounts sent under paragraph 23, and
 - (b) lay before Parliament a copy of the statement and the Comptroller and Auditor General’s report on it.
- 25 The Comptroller and Auditor General may inspect any records relating to the accounts. 5
- 26 In paragraphs 22 and 23, “accounting year” means any period of 12 months ending with 31 March.

Authentication of Authority’s seal

- 27 The application of the seal of the Authority is authenticated by the signatures of – 10
- (a) the person chairing the Authority or some other person authorised by the Authority to act for that purpose, and
 - (b) one other member.

Presumption of authenticity of documents issued by Authority 15

- 28 Any document purporting to be an instrument issued by the Authority and to be sealed in accordance with paragraph 27, or to be signed on behalf of the Authority, is to be received in evidence and treated as such an instrument without further proof unless the contrary is shown.

SCHEDULE 2

Section 11 20

CONSEQUENTIAL AMENDMENTS

PART 1

FOOTBALL SPECTATORS

Serious Organised Crime and Police Act 2005 (c. 15)

- 1 In section 33 (disclosure of information by SOCA), at the end of subsection (2)(e) insert “or Part 1 of the Football Spectators and Sports Grounds Act 2008”. 25

PART 2

SPORTS GROUNDS SAFETY AUTHORITY

Parliamentary Commissioner Act 1967 (c. 13) 30

- 2 In Schedule 2 (departments etc. subject to investigation), omit the entry relating to the Football Licensing Authority and insert at the appropriate place –
“Sports Grounds Safety Authority.”

Superannuation Act 1972 (c. 11)

- 3 In Schedule 1 (kinds of employments etc. referred to in section 1), for “Football Licensing Authority” (in both places) substitute “Sports Grounds Safety Authority”.

House of Commons Disqualification Act 1975 (c. 24)

5

- 4 In Part 2 of Schedule 1 (bodies of which all members are disqualified), omit the entry relating to the Football Licensing Authority and insert at the appropriate place—
“The Sports Grounds Safety Authority.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

10

- 5 In Part 2 of Schedule 1 (bodies of which all members are disqualified), omit the entry relating to the Football Licensing Authority and insert at the appropriate place—
“The Sports Grounds Safety Authority.”

Safety of Sports Grounds Act 1975 (c. 52)

15

- 6 In section 5(3) (appeals against terms and conditions of safety certificates), for “Football Licensing Authority” substitute “Sports Grounds Safety Authority”.

Race Relations Act 1976 (c. 74)

- 7 In Part 5 of Schedule 1A (bodies and other persons added on 3 October 2006), for the entry relating to the Football Licensing Authority substitute—
“The Sports Grounds Safety Authority.”

Football Spectators Act 1989

- 8 (1) In section 1 (interpretation etc.), after subsection (6) insert—
“(6A) In this Part “the licensing authority” means the Sports Grounds Safety Authority (see Part 2 of the Football Spectators and Sports Grounds Act 2008).”

- (2) Omit—
(a) section 8,
(b) in section 27(6), “, except paragraph 14 of Schedule 2,” and
(c) Schedule 2.

Freedom of Information Act 2000 (c. 36)

- 9 In Schedule 1 (bodies etc. which are “public authorities” for the purposes of the Act), in Part 6, omit the entry relating to the Football Licensing Authority and insert at the appropriate place—
“The Sports Grounds Safety Authority.”

General

- 10 Any reference in any other enactment or in any instrument or document to the Football Licensing Authority is to be read, in relation to any time after the commencement of section 6, as a reference to the Sports Grounds Safety Authority.

5

SCHEDULE 3

Section 11

REPEALS AND REVOCATIONS

<i>Short title and chapter</i>	<i>Extent of repeal or revocation</i>	
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entry relating to the Football Licensing Authority.	10
House of Commons Disqualification Act 1975 (c. 24)	In Schedule 1, in Part 2, the entry relating to the Football Licensing Authority.	
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Schedule 1, in Part 2, the entry relating to the Football Licensing Authority.	15
Football Spectators Act 1989 (c. 37)	Section 8. In section 14E(2), “in England and Wales”. In section 19(2B)(b), “if the match is outside the United Kingdom”. In section 27(6), “, except paragraph 14 of Schedule 2,”. Schedule 2.	20
Freedom of Information Act 2000 (c. 36)	In Schedule 1, in Part 6, the entry relating to the Football Licensing Authority.	25
Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2003 (S.I. 2003/1326)	Article 17.	
Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10)	In section 53(2)(a), “in Scotland”.	30
Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007 (S.I. 2007/1098)	Articles 1(5) and 5.	35

Football Spectators and Sports Grounds Bill

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B I L L

To amend the law relating to football banning orders and their enforcement; to confer further powers on the Football Licensing Authority and to amend its name; and for connected purposes.

*Presented by Mr Russell Brown
supported by
Alan Keen, John McFall, Mr John Leech,
Bob Russell, Joan Walley, Mr Iain Duncan Smith,
Mr John Greenway, Christine Russell
and Jim Sheridan.*

*Ordered, by The House of Commons,
to be Printed, 22nd January 2008.*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF COMMONS
LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx