

*These notes refer to the Sports Grounds Safety Authority Bill [HL]
as introduced in the House of Lords on 4th February 2009 [HL Bill 22]*

SPORTS GROUNDS SAFETY

AUTHORITY BILL [HL]

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Sports Grounds Safety Authority Bill [HL] as introduced in the House of Lords on 4th February 2009. They have been prepared by the Department for Culture, Media and Sport, with the consent of Lord Faulkner of Worcester, the Peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate upon it. They do not form part of the Bill and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Bill seeks to amend the Football Spectators Act 1989 relating to the Football Licensing Authority (FLA). Its purpose is to:
 - reconstitute the FLA as the Sports Grounds Safety Authority, (“the Safety Authority”); and
 - give the Safety Authority the power to provide advice and guidance about safety at sports grounds to any national or international organisation, person or body (including local authorities and Ministers of the Crown); and
 - charge for these services in certain circumstances.

BACKGROUND

4. Safety at sports grounds is regulated by a number of different pieces of legislation and the Bill’s provisions should be read in that wider context.

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5. The Safety of Sports Grounds Act 1975 (“the 1975 Act”) applies to all open-air sports grounds with accommodation for spectators. Safety controls are imposed primarily through safety certificates issued by local authorities for sports grounds designated by the Secretary of State, currently these comprise: those grounds with accommodation for over 10,000 spectators where sports are played (which in practice includes rugby, cricket and other football matches including internationals); and those grounds occupied by Football Association (FA) Premier and Football League clubs with accommodation for over 5,000 spectators.
6. Part 3 of the Fire Safety and Safety of Places of Sport Act 1987 (“the 1987 Act”) provides for certification by local authorities of stands which have capacity to accommodate, under cover, at least 500 spectators at sports grounds not designated under the 1975 Act.
7. Local authorities are advised to have regard to the technical advice contained in the *Government’s Guide to Safety at Sports Grounds, 5th Edition, The Stationery Office, 2006 ISBN 0-11-702074*, also known as the Green Guide.
8. The FLA was established by the Football Spectators Act 1989 (“the 1989 Act”). It has two specific statutory functions:
 - To implement the Government’s policy on ensuring the reasonable safety and management of spectators at FA Premiership, Football League and International football grounds in England and Wales. This includes operating a licensing system in respect of premises to which spectators are admitted for the purpose of watching any designated football match played there. The FLA’s licensing system is in addition to the general safety certification duties of local authorities under the 1975 Act; and
 - To keep under review the discharge by local authorities of their duties so far as they relate to sports grounds in England and Wales at which FA Premiership, Football League and international matches are played. The FLA can require local authorities to include conditions in the safety certificates which they (local authorities) issue in relation to such sports grounds.
9. The FLA also produces guidance materials on spectator safety issues and offers advice on best practice.
10. At present the FLA’s role is limited to providing specific advice on spectator and venue safety in relation to football stadia only. Other sports are unable to benefit from the FLA’s expertise in relation to particular venues or issues. The proposed amendments to the 1989 Act would allow a greater consistency to the application of sports ground safety advice for sports other than football. This advice would be generally given on request and not as part of a wider regulatory remit.

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11. The proposed changes will not extend to the FLA's licensing functions or its local authority oversight duties under the 1989 Act to cover sports grounds for sports other than football.
12. The Bill does not give rise to any ECHR issues.

COMMENTARY ON CLAUSES

Clause 1: Football Licensing Authority to become Sports Grounds Safety Authority

13. Clause 1 provides for the continuation of the FLA, created by the 1989 Act, but under the new name of the Sports Grounds Safety Authority. Its board will continue to be appointed by the Secretary of State and will consist of a chairman and four to eight other members. Detailed provisions about the constitution of the Safety Authority are set out in Schedule 1. Schedule 2 makes amendments which are consequential upon the renaming of the FLA.

Clauses 2-5: Advisory functions of the Safety Authority

14. These clauses give the Safety Authority the power to provide advice about safety at sports grounds to certain persons or bodies seeking it, including Ministers of the Crown (Clause 2), local authorities (Clause 3) and, subject to certain conditions, foreign governments and international bodies (Clause 4). Currently the FLA has no power to do this. Clause 2 also enables any Minister of the Crown to require the Safety Authority to provide specific advice in relation to the exercise of that Minister's functions under the 1975 Act, Part 3 of the 1987 Act and the 1989 Act.
15. Clause 5 provides that the Safety Authority may, with the consent of the Secretary of State, charge a fee in respect of advice given under Clauses 3 and 4. This fee must not exceed the cost of providing the advice.

FINANCIAL EFFECTS OF THE BILL

16. The Bill seeks to extend the advisory remit of the FLA without any corresponding increase to its financial allocations. Accordingly, Part 1 of the Bill will not entail any net additional public expenditure. The Safety Authority will be given discretion to charge for its advice in the circumstances described in the Bill.

EFFECTS OF THE BILL ON PUBLIC SERVICE MANPOWER

17. The Bill seeks only to extend the advisory remit of the FLA and will not entail any changes to the FLA's current manpower allocation. These additional functions could help reduce costs and manpower for some local authorities and bodies by reason of their gaining access to a wider range of advice from the new Safety Authority.

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TERRITORIAL EXTENT

18. Part 1 and Schedule 1 extend to England and Wales only. An amendment or repeal of a provision by Schedule 2 (consequential amendments) or 3 (repeals) has the same extent as that provision.
19. Bodies in Scotland and Northern Ireland will be able to access the expertise of the new Sports Grounds Safety Authority on request. Approval of these arrangements has been obtained from the Scottish Executive and the Department for Culture, Arts and Leisure, Northern Ireland.

SUMMARY OF REGULATORY IMPACT ASSESSMENT

20. The proposals in the Bill do not create any additional regulation on the part of the FLA or create any new burdens on business, charities or the voluntary sector and therefore are not regarded as coming within the remit of the Local Regulatory Office process.

COMMENCEMENT

21. The Bill will come into force on the date specified by the Secretary of State in the statutory instrument.

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