



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 2

PUBLIC ORDER ETC.

CHAPTER 1

FOOTBALL BANNING ORDERS

Making and content of orders

52 Making of order on application to the sheriff

- (1) The chief constable of a police force may apply for a football banning order against any person—
 - (a) who resides in the area of the police force; or
 - (b) who the chief constable believes is in or intends to come to the area of the police force.
- (2) An application under subsection (1) may be made to any sheriff—
 - (a) in whose sheriffdom the person against whom the order is sought resides;
 - (b) in whose sheriffdom that person is believed by the applicant to be; or
 - (c) to whose sheriffdom that person is believed by the applicant to be intending to come.
- (3) An application under subsection (1) is to be made by summary application.
- (4) A sheriff may make a football banning order if satisfied that—
 - (a) the person against whom the order is sought has at any time contributed to any violence or disorder in the United Kingdom or elsewhere; and
 - (b) there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with any football matches.

Status: This is the original version (as it was originally enacted).

- (5) Subsections (6) and (8) apply where a sheriff is determining whether to make a football banning order against a person.
- (6) The sheriff may take into account the matters mentioned in subsection (7) (amongst others), so far as considering it appropriate to do so.
- (7) Those matters are—
- (a) any decision of a court or tribunal outside the United Kingdom in respect of the person;
 - (b) the person’s deportation or exclusion from a country or territory outside the United Kingdom;
 - (c) the person’s removal or exclusion from premises used for playing football matches, whether in the United Kingdom or elsewhere;
 - (d) the person’s conduct recorded on video or by any other means.
- (8) The sheriff may not take into account anything done by the person before the beginning of the relevant period, except circumstances ancillary to a conviction.
- (9) In subsection (8)—
- “the relevant period” means the period of 10 years ending with the day on which the application for the order was made; and
 - “circumstances ancillary to a conviction” has the same meaning as it has for the purposes of section 4 of the Rehabilitation of Offenders Act 1974 (c. 53).
- (10) Subsection (8) does not prejudice anything in the Rehabilitation of Offenders Act 1974 (c. 53).
- (11) On making a football banning order, the sheriff must explain to the person (if present in court) in ordinary language the effect of the order.
- (12) But failure to comply with subsection (11) does not affect the order’s validity.