

SAFETY OF SPORTS GROUNDS (NORTHERN IRELAND) ORDER 2006

2006 No. 313 (N.I. 2)

EXPLANATORY MEMORANDUM

INTRODUCTION

1. The Safety of Sports Grounds (Northern Ireland) Order 2006 was made on 14 February 2006.
2. This Explanatory Memorandum has been prepared by the Department of Culture, Arts and Leisure (“the Department”) in order to assist the reader in understanding the Order. It does not form part of the Order.

BACKGROUND AND POLICY OBJECTIVES

3. The Order is intended to introduce a safety certification scheme, similar to that which already exists in Great Britain, for larger sports grounds and non-temporary spectator stands. The scheme will be administered and enforced by the District Councils in Northern Ireland.
4. The aim of having such a certification scheme is to improve the level of safety for spectators at sports grounds in Northern Ireland. Sports grounds which have been designated or a stand which has been regulated under this Order will be issued with a safety certificate by a District Council specifying the number of spectators that owners or managers of sports grounds or event organisers will be allowed to admit into the ground or stand.
5. The Department will arrange, using existing legislation, for the discharge of the overseeing functions i.e. providing advice and guidance to interested parties and monitoring the implementation of the safety certification scheme on its behalf.
6. The Department will prepare appropriate guidance for District Councils, owners and managers of sports grounds and other interested parties which will assist them to comply with this Order and any subordinate legislation (i.e. Statutory Rules). This includes a Northern Ireland version of the Great Britain “Guide to Safety at Sports Grounds” which is commonly referred to as the “Green Guide”.

CONSULTATION

7. A consultation document entitled “Policy Proposal on New Legislation for Safety at Sports Grounds in Northern Ireland” was issued to a wide range of interested parties in June 2004 for a 14 week consultation period. As well as including the Department’s policy proposals, it also included an Equality Impact Assessment and an Initial Regulatory Impact Assessment.
8. The policy consultation revealed that none of the respondents objected to the introduction of the legislation. In relation to the Equality Impact Assessment and the

Regulatory Impact Assessment none of the respondents provided any additional information.

9. The finalised policy document, a summary of the respondents' comments and the Department's comments can be found on the Department's website at www.dcalni.gov.uk/publicationsConsultations/.

MAIN ELEMENTS OF THE ORDER

10. The Order is divided into four parts, Part I is Introductory.

The Articles in Part II (Safety of Designated Sports Grounds) deal with the designation of sports grounds, the contents, the application process, the amendment, replacement etc of safety certificates for designated sports grounds and the appeals process in relation to the safety certificates. They also deal with the issuing of prohibition notices and the associated appeal procedures and offences and penalties relating to breaches of the terms and conditions of a safety certificate or a prohibition notice.

The Articles in Part III (Safety of Stands at other Sports Grounds) deal with the contents, the issuing, the amendment, and replacement etc of safety certificates for stands at other sports grounds (ie non-designated sports grounds) and the appeals process in relation to the safety certificates. They also deal with the offences and penalties relating to breaches of the terms and conditions of a safety certificate or a prohibition notice.

The Articles in Part IV (General and Supplementary) empower the Department to make regulations, empower District Councils to enforce the Order and give powers of entry and inspection to authorised persons.

COMMENTARY ON ARTICLES

Part I – Introductory

Article 2 – Interpretation

11. The definition of a sports ground provided in Article 2 can be interpreted to mean all types of sports grounds including sports stadiums (e.g. association football, gaelic and rugby grounds), horse racing tracks, golf courses and motor racing tracks. This is so that stands, which meet the criteria detailed in Part III, can be regulated by District Councils.

Part II – Safety of Designated Sports Grounds

Article 4 – Designation of sports grounds

12. Article 4 empowers the Department to designate a sports ground as requiring a safety certificate that in its opinion provides accommodation for more than 5,000 spectators. It also empowers the Department to change the figure of 5,000 after consultation with all interested parties (this may include the club/organisation, District Council and/or governing sporting body).
13. Although Article 4(1) empowers the Department to designate sports grounds with a capacity of more than 5,000 spectators, it is the Department's intention that this will

*This Explanatory Memorandum refers to the Safety of Sports Grounds
(Northern Ireland) Order 2006 (NI 2)*

only apply to enclosed type sports grounds e.g. sports stadia and sports arenas i.e. sports stadia that host association football, gaelic games, rugby football, hockey and cricket.

It is not the Department's intention that this Order will be used to designate golf courses, horse racing courses, motor racing tracks or other sporting events such as horse trials and point to point meetings that are held outdoors over a large area.

14. A District Council may issue a safety certificate for an indefinite period of time which will cover the normal sporting activities played at the designated sports ground e.g. a safety certificate could be issued to an association football club that will cover all association football matches played at the ground or to a county gaelic ground that will cover all GAA games played at the ground.
15. A District Council may issue a safety certificate known as a special safety certificate for a single event or activity or for a specified number of events or activities at a designated sports ground even though there is a safety certificate in operation. A special certificate would cover any other sporting or non-sporting event held at the designated sports ground, e.g. an evangelical meeting, dog show or a boxing tournament.

Article 6 – Applications for safety certificates

16. Article 6 sets out who should apply for safety certificates for designated sports grounds and empowers District Councils to determine who is a qualified person for the purposes of issuing certificates to. The qualified person is someone considered by the District Council likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate but it does not necessarily have to be an individual; it can be the body corporate if the organisation applying for the certificate is an incorporated company.

Article 8 – Appeals

17. Article 8 sets out the appeal procedures as they relate to the issuing of safety certificates for designated sports grounds. It allows for appeals to be made to the Courts by anyone who has applied for a safety certificate and who a District Council has determined is not a qualified person or by an interested party against any of the terms and conditions included in the certificate.

Article 11 – Offences

18. Article 11 sets out the offences and penalties as they relate to Part II of this Order. Offences include admitting more spectators than is permitted by the safety certificate to a designated sports ground or part of the ground or admitting spectators when a certificate has been surrendered or cancelled. Other offences include contravening the terms and conditions of a safety certificate or a prohibition notice.

Part III – Safety Of Stands At Other Sports Grounds

Article 12 - Interpretation of Part III

19. Article 12 defines some of the words used throughout Part III and gives the definition of a “stand” that this Order applies to.

Article 13 – Safety certificates for stands at sports grounds which are not designated under Part II

20. This Article specifies that a safety certificate is required for any stand (as defined in Article 12 of this Order) at a sports ground (ie as defined in Article 2 of this Order) which provides accommodation for more than 500 spectators. It also empowers the Department to change the figure of 500, after consultation with all interested parties, to a smaller number. Safety certificates issued using this Article will be similar to those issued under Article 4 for designated sports grounds (see paragraph's 14 and 15).

Article 15 – Issue of certificates

21. Article 15 sets out who a safety certificate for a regulated stand should be issued to and allows District Councils to determine whether someone is suitable to be issued with a certificate. The District Council will issue the certificate to someone who is likely to be in a position to prevent any contravention of the terms and conditions of a safety certificate but this does not necessarily have to be an individual; it can be the body corporate if the organisation applying for the certificate is an incorporated company.

Article 17 – Appeals

22. Article 17 sets out the appeal procedures in relation to whether or not a stand is a regulated stand, whether or not the person applying for the certificate is suitable or against any of the terms and conditions included by a District Council in a safety certificate.

Article 18 – Offences

23. Article 18 sets out the offences and penalties as they relate to Part III of this Order. Offences include admitting more spectators than is permitted by the safety certificate to a regulated stand or admitting spectators when a certificate has been surrendered or cancelled. Other offences include contravening the terms and conditions of a safety certificate or a prohibition notice.

COMMENCEMENT

Article 1 provides for the following provisions to come into effect after one month. These comprise giving powers to the Department to make regulations; allowing District Councils to issue prohibition notices and the appeal procedures to be followed if a prohibition notice has been issued; allowing District Councils to enforce this Order and; giving powers of entry and inspection to authorised persons.

The remainder of the Order will come into effect at a date set by the Department. However this is unlikely to be earlier than 12 months from the date the Order was made.