

EXPLANATORY MEMORANDUM

The Safety of Sports Grounds (Designation) Order (Northern Ireland) 2009 S.R. No. 288

The Department of Culture, Arts and Leisure (“the Department”) has made this Order under the powers conferred on it by Article 4(1) of the Safety of Sports Grounds (Northern Ireland) Order 2006 (the 2006 Order). The Designation Order is subject to negative resolution procedure in the Assembly.

Purpose of legislation/policy background

The Statutory Rule will list those sports grounds that the Department has decided to designate as requiring a safety certificate (ie has accommodation for more than 5,000 spectators) from their district council.

The benefits of the proposed provisions are as follows:

- It will help towards addressing the risk of serious accidents occurring at specific sports grounds if more spectators are admitted to that ground than can be safely accommodated.
- Sports ground owners/operators, district councils and the relevant governing bodies will be fully aware of the grounds that have been identified as requiring a safety certificate.
- Owners/operators of sports grounds will be aware of the remedial work that is required to increase safe capacity, should they choose to do so.
- It will produce a consistent standard of safety inspection at sports grounds across Northern Ireland.

It is proposed that the Order will come into operation on 31 December 2009.

Consultation:

The Department consulted with the owners/operators of the sports grounds to be designated together with the 26 district councils and the relevant governing bodies. Comments were invited on 22 May 2009 with a closing date for receipt of 5 June 2009. No adverse comments were received as a result of the consultation exercise.

Position in GB

A similar piece of legislation already exists in Great Britain, the Safety of Sports Grounds Act 1975. This allows the Secretary of State to designate sports grounds as requiring a safety certificate from the local authority and requires the local authority to detail what should be included in a safety certificate and who should apply for one. It also allows a local authority to issue a ‘Prohibition Notice’ where they believe there is a case of serious risk and requires them to enforce the Act. Furthermore it gives the power to make Regulations in relation to the Act.

Human Rights and Equality Impact Assessment

Consideration was given to compliance with Section 75 of the NI Act 1996 however an assessment was not considered necessary as this was addressed fully at the primary legislation stage.

Regulatory Impact Assessment

Whilst it is anticipated that the majority of the sports clubs and/or organisations affected by the new legislation will be considered to be small businesses or voluntary organisations, it is difficult to determine what impact it might have on them until such time as the district councils have carried out their inspections and set the maximum safe capacities.

If a district council sets a maximum safe capacity for a sports ground that is below the maximum possible capacity, the owner/operator of that ground may accept this reduced figure based on their actual average attendance figures. No remedial work and/or costs would therefore be incurred.

Whilst it is difficult to assess the impact on small businesses at this stage, there will be support and guidance available to them in particular from Sport NI which will provide independent advice and guidance to all key stakeholders and will also provide advice on the various funding programmes that are available.

There will be no impact on charities by the designation of selected sports grounds.

Financial Implications

The Department of Culture, Arts and Leisure is satisfied that the balance between cost and benefit is the right one in the circumstances.

Financial Implications

N/A

Effect of the Order

The effect of the Order is set out in the Explanatory Note.

Department of Culture, Arts and Leisure

2009