

## **EXPLANATORY MEMORANDUM**

### **The Safety of Sports Grounds Regulations (Fees and Appeals) (Northern Ireland) 2009 S.R. No. 289**

The Department of Culture, Arts and Leisure (“the Department”) has made this Order under the powers conferred on it by Article 19(1)(b) and (c) of the Safety of Sports Grounds (Northern Ireland) Order 2006 (the 2006 Order). The Regulations are subject to negative resolution procedure in the Assembly.

#### **Purpose of legislation/policy background**

1. The Statutory Rule will set the maximum fees that a district council may charge the owners/operators of a sports ground for an application for the issue, amendment, replacement or transfer of a safety certificate as follows:

- issue of a general safety certificate not to exceed £100;
- amendment, replacement or transfer of a general safety certificate not to exceed £50;
- issue of a certificate for a regulated stand not to exceed £50; and
- amendment, replacement or transfer of a certificate not to exceed £25.

2. The Rule will also prescribe the time within which appeals under certain Articles of the 2006 Order may be brought by applicants:

- where a council determines that an applicant for the issue or transfer of a safety certificate is not a qualified person, an appeal should be brought
  - (a) for a general safety certificate – not later than 28 days, and
  - (b) for a special safety certificate – not later than 7 daysafter the date of receipt of the certificate or notice.
- an appeal by any person on whom a prohibition notice or amendment to a prohibition notice is served must be brought no later than 21 days after the day on which the notice was served.
- where a council determines that a stand at a sports ground is a regulated stand an appeal should be brought not later than 28 days after receipt of the determination.
- where a council determines that an applicant for the issue or transfer of a safety certificate or a special safety certificate in respect of a regulated stand is not a qualified person, or where the council has included anything in or omitted anything from or refused to amend or replace a safety certificate for a regulated stand, an appeal should be brought
  - (a) for a general safety certificate – not later than 28 days, and
  - (b) for a special safety certificate – not later than 7 daysafter the date of receipt of the certificate or notice.

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

The benefits of the Regulations are as follows:

- Setting a maximum nominal charge will mitigate against the cost of compliance for the owners/operators of sports grounds.
- It allows district councils to recoup some of the cost of the certification process.
- It will help to ensure a degree of consistency across the 26 district councils.

### **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. One consultee, Larne Borough Council, suggested a review of the proposed fees after a two years period.

### **Position in GB**

Subordinate legislation in Great Britain, The Safety of Sports Grounds Regulations 1987, provides for a local authority to determine the fee to be charged in respect of an application for the issue, amendment, replacement or transfer of a safety certificate but such fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority.

These Regulations, together with The Safety of Places for Sport Regulations 1988, set the timescales within which appeals may be brought. These are the same as are proposed for Northern Ireland.

### **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**

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. If designated, a sports ground will require a safety certificate from its district council.

The impact of this Regulation will be to mitigate against the cost of compliance for the owners/operators of sports grounds whilst still allowing councils to recoup some of their costs in the certification process.

There will be no impact on charities by setting the maximum fees a district council may charge or the times within which appeals may be brought.

### **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**