



# Football Spectators Act 1989

## 1989 CHAPTER 37

### PART I

#### FOOTBALL MATCHES IN ENGLAND AND WALES

##### *Preliminary*

#### **1 Scope and interpretation of this Part**

- (1) This Part of this Act applies in relation to association football matches played in England and Wales which are designated football matches and the following provisions have effect for its interpretation.
- (2) “Designated football match” means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.
- (3) The Secretary of State shall not make a designation under subsection (2) above without giving the Football Membership Authority an opportunity to make representations about the proposed designation, and taking any representations he receives into account.
- (4) An order under subsection (2) above—
  - (a) may designate descriptions of football matches wherever played or when played at descriptions of ground or in any area specified in the order; and
  - (b) may provide, in relation to the match or description of match designated by the order or any description of match falling within the designation, that spectators admitted to the ground shall be authorised spectators to the extent, and subject to any restrictions or conditions, determined in pursuance of the order by the licensing authority under this Part of this Act.
- (5) The “national football membership scheme” (or “the scheme”) means the scheme made and approved and for the time being in force under section 4 below for the purpose of restricting the generality of spectators attending designated football matches to persons who are members of the scheme.

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- (6) A person is, in relation to any designated football match, an “authorised spectator” if—
  - (a) he is a member of the national football membership scheme or is otherwise authorised by the scheme to attend the match; or
  - (b) he is an authorised spectator by virtue of subsection (4)(b) above,
 and a person is not to be treated as a “spectator” in relation to such a match if the principal purpose of his being on the premises is to provide services in connection with the match or to report on it.
- (7) A “licence to admit spectators” is a licence granted in respect of any premises by the licensing authority under this Part of this Act authorising the admission to the premises of spectators for the purpose of watching any designated football match played at those premises.
- (8) Each of the following periods is “relevant to” a designated football match, that is to say—
  - (a) the period beginning—
    - (i) two hours before the start of the match, or
    - (ii) two hours before the time at which it is advertised to start, or
    - (iii) with the time at which spectators are first admitted to the premises, whichever is the earliest, and ending one hour after the end of the match;
  - (b) where a match advertised to start at a particular time on a particular day is postponed to a later day, or does not take place, the period in the advertised day beginning two hours before and ending one hour after that time.
- (9) A person is a “responsible person” in relation to any designated football match at any premises if he is a person concerned in the management of the premises or in the organisation of the match.
- (10) The power to make an order under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (11) The imposition under this Part of this Act of restrictions on the persons who may attend as spectators at any designated football match does not affect any other right of any person to exclude persons from admission to the premises at which the match is played.

### *National Membership Scheme*

## **2 Offences relating to unauthorised attendance at designated football matches**

- (1) If a person who is not, in relation to the match, an authorised spectator enters or remains on premises as a spectator during a period relevant to a designated football match that person commits an offence and so does a person who attempts to commit an offence under this subsection of entering premises.
- (2) Where a person is charged under subsection (1) above with an offence of entering or remaining on premises, and was at the time of the alleged offence not disqualified from being a member of the national football membership scheme, it shall be a defence to prove that he was allowed to enter the premises as a spectator by a person reasonably appearing to him to have lawful authority to do so.

- (3) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to imprisonment for a term not exceeding one month or a fine not exceeding level 3 on the standard scale or to both.
- (4) A constable who reasonably suspects that a person has committed an offence under subsection (1) above may arrest him without a warrant.

### **3 The Football Membership Authority**

- (1) There shall be a body responsible for the administration of the national football membership scheme which shall be designated for the purpose by the Secretary of State under the name (and herein referred to as) “the Football Membership Authority”.
- (2) Subject to subsection (4) below, the Secretary of State may designate as the Football Membership Authority any body corporate formed for the purpose by the Football Association and the Football League or any body corporate formed by any other persons or, for the purpose, on his behalf.
- (3) The Secretary of State may withdraw the designation of a body under this section, whether at the instance of the body or at his own instance.
- (4) The Secretary of State shall not designate any body corporate as the Football Membership Authority unless he is satisfied that its articles of association make provision securing—
  - (a) that its Board shall comprise a chairman and six other members, of whom the chairman and four of the other members are persons approved by the Secretary of State before their election as chairman or as member, as the case may be, and the remaining two members are persons nominated by the Secretary of State, and
  - (b) that the chairman shall be a person who has no such financial or other interest as is likely to affect prejudicially the performance of his functions as chairman;and all the members of the Board shall hold office in accordance with the articles of association of the body corporate.
- (5) The Secretary of State may withdraw the designation of a body corporate as the Football Membership Authority if he ceases to be satisfied of the matters mentioned in subsection (4) above.
- (6) The functions of a body as the Football Membership Authority shall be assumed or, on withdrawal of its designation, divested on the date specified by the Secretary of State when making or withdrawing the designation but subject to subsection (7) below and without prejudice to its duty under subsection (8) below.
- (7) No date other than 1st June in any year shall be specified under subsection (6) above as the date on which functions are to be assumed or divested, but this does not apply—
  - (a) to the initial designation of a body as the Football Membership Authority, or
  - (b) where the Secretary of State withdraws the designation of a body on the ground that the body has failed to discharge its duties as the Football Membership Authority or is being wound up or that a receiver or manager of its property has been appointed.
- (8) It shall be the duty of the Football Membership Authority to make to the Secretary of State a report on the discharge of its functions during each period of twelve months

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beginning with 1st June in any year and the Secretary of State shall lay a copy of the report before each House of Parliament.

- (9) Where a body assumes or is divested of its functions as the Football Membership Authority on a date other than 1st June subsection (8) above shall have effect as if it required a report to be made for such period as the Secretary of State directs.
- (10) Where the Secretary of State withdraws the designation of a body as the Football Membership Authority, he shall, as soon as it appears to him to be appropriate to do so, lay before each House of Parliament a report stating his reasons for the withdrawal.
- (11) On the withdrawal of the designation of a body as the Football Membership Authority, the scheme shall cease to have effect but the Secretary of State may, by order, provide for the transfer of the body's property, rights and liabilities under the scheme to its successor as the Football Membership Authority on such terms and conditions as may be determined by the Secretary of State.
- (12) The power to make an order under subsection (11) above is exercisable by statutory instrument.

#### **4 National membership scheme: making, approval, modification etc**

- (1) The Football Membership Authority shall, as soon as reasonably practicable after its designation takes effect, prepare a draft scheme which fulfils the requirements of section 5 below.
- (2) The Football Membership Authority shall, before exercising any of its functions under this section—
  - (a) consult the Football Association, the Football Association of Wales and the Football League; and
  - (b) give such persons as appear to it to represent the interests of football supporters an opportunity to make representations.
- (3) When the draft scheme is complete the Football Membership Authority shall submit it to the Secretary of State for his approval and the Secretary of State, if satisfied that the draft scheme fulfils those requirements, may if he thinks fit by order approve it either as submitted or with any modifications that may be agreed; and if he does so, he shall lay a copy of the scheme as approved before each House of Parliament.
- (4) Where the Secretary of State approves the scheme under subsection (3) above, then, subject to subsection (8) below, the scheme shall enter into force on such date as may be agreed between the Secretary of State and the Football Membership Authority.
- (5) At any time during the currency of the scheme the Secretary of State and the Football Membership Authority may agree—
  - (a) to modify the scheme, or
  - (b) to replace the scheme with another scheme,
 in accordance with the requirements of section 5 below.
- (6) Where the Secretary of State and the Football Membership Authority agree to modify the scheme—
  - (a) the Secretary of State shall lay a copy of the modifications before each House of Parliament, and

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- (b) the modifications agreed on shall enter into force on such date as may be agreed and the scheme shall have effect accordingly.
- (7) Where the Secretary of State and the Football Membership Authority agree to replace the scheme—
  - (a) the Secretary of State shall by order confirm his agreement to the new scheme and shall lay a copy of it before each House of Parliament, and
  - (b) subject to subsection (8) below, the new scheme shall enter into force and the existing scheme shall cease to be in force on such date as may be agreed.
- (8) The powers of the Secretary of State to make orders under this section are exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **5 National membership scheme: contents and penalties**

- (1) The requirements for a national football membership scheme referred to in section 4(1) and (5) above are those specified in subsection (2) below.
- (2) The scheme must include provision—
  - (a) securing that the only spectators permitted to attend at designated football matches are authorised spectators;
  - (b) providing for temporary membership of the scheme, including (in particular) the temporary membership of football club guests;
  - (c) providing for the admission as spectators at designated football matches, without their being members of the scheme, of—
    - (i) disabled persons, and
    - (ii) accompanied children,in such circumstances and subject to such conditions as are specified in the scheme;
  - (d) securing that persons who are disqualified under section 7 below are excluded from membership while so disqualified;
  - (e) providing for the exclusion from membership, for an appropriate period not exceeding two years determined under the scheme, of persons who are, by reference to circumstances specified in the scheme, determined under the scheme to be unfit for membership and for notifying persons who are excluded from membership of the grounds for the exclusion;
  - (f) imposing pecuniary penalties on any persons having functions under the scheme for failure to discharge those functions;
  - (g) imposing requirements as respects the procedure to be followed in dealing with applications for membership of the scheme and requiring that in Wales any application form for membership of the scheme shall also be available in Welsh;
  - (h) imposing requirements on responsible persons as respects the procedure to be followed and equipment to be used in relation to any designated football match to secure that, except in an emergency, the only spectators admitted to and permitted to remain on the premises are authorised spectators;
  - (i) to such effect, in relation to the admission of spectators to the premises, as the Secretary of State may specify in writing;
  - (j) establishing and maintaining a central register of members of the scheme;
  - (k) regulating the form and contents of membership cards; and

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- (l) establishing procedures for the making and consideration of representations against decisions made under the scheme refusing or withdrawing membership of it and for the independent review of the decisions in the light of the representations;

and in this subsection “accompanied children” means persons under the age of 10 years in the charge of an authorised spectator.

- (3) The scheme may make provision—
  - (a) for the discharge of functions under the scheme by persons specified in the scheme on such terms as may be agreed with the Football Membership Authority and approved by the Secretary of State;
  - (b) for the imposition of charges under the scheme (including different charges for different cases) in connection with the issue of membership cards to persons becoming members of the scheme; and
  - (c) providing for the admission as spectators at designated football matches, without their being members of the scheme, of descriptions of person specified in the scheme in such circumstances and subject to such conditions as are so specified.
- (4) The scheme may make different provision for different circumstances.
- (5) Information obtained from persons under the national football membership scheme shall be treated as not obtained under an enactment for the purposes of paragraph 1(2) of Part II of Schedule 1 to the Data Protection Act 1984 (which treats information obtained under enactments as fairly obtained).
- (6) Nothing in section 28(1) and (2) of the Data Protection Act 1984 (which exempt personal data relating to crime from the subject access provisions in certain cases) shall apply to personal data held by the Football Membership Authority for the purposes of the national football membership scheme.
- (7) Any person commits an offence who, for the purpose of being admitted to membership of the national football membership scheme—
  - (a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or
  - (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular.
- (8) A person guilty of an offence under subsection (7) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **6 Phased application of scheme**

- (1) The Secretary of State, in exercising his function of designating football matches under section 1(2) above as matches in relation to which the national football membership scheme applies, shall have regard to whether it is desirable to achieve a phased application of the scheme.
- (2) For this purpose—

- (a) the Football Membership Authority shall consider the possibility of a phased application of the scheme and may make recommendations to the Secretary of State; and
- (b) the Secretary of State shall have regard to any recommendations so made.

## **7 Disqualification for membership of scheme**

- (1) Any person who is subject to an exclusion order under section 30 of the Public Order Act 1986 (exclusion from prescribed football matches) whenever made is disqualified from becoming or continuing to be a member of the national football membership scheme and while he is so subject he shall not be admitted as a member of the scheme or, if he is a member, his membership shall be withdrawn.
- (2) Any person convicted of a relevant offence is disqualified from becoming or continuing to be a member of the national football membership scheme, and the following provisions of this section have effect in relation to such a person.
- (3) The period during which a person's disqualification under subsection (2) above continues shall be—
  - (a) in a case where he was sentenced to a period of imprisonment taking immediate effect, five years, and
  - (b) in any other case, two years,beginning with the date of the conviction.
- (4) During the period for which a person is disqualified he shall not be admitted as a member of the scheme or, if he is a member, his membership shall cease on the date of the conviction.
- (5) The offences relevant for the purposes of subsection (2) above are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).
- (6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches include in paragraphs (h), (i), (k) and (l) references to football matches designated for the purposes of Part II of this Act.
- (7) Where a court convicts a person of a relevant offence, then—
  - (a) the court—
    - (i) shall, except in the case of an offence under section 2(1) or 5(7) above, certify that the offence is a relevant offence, and
    - (ii) shall explain to him in ordinary language the effect of the conviction on his membership of the national football membership scheme; and
  - (b) the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
    - (i) shall (as soon as reasonably practicable) send to the Football Membership Authority and to the chief officer of police for the police area in which the offence was committed notice of the conviction and sentence and of the giving of any certificate that the offence is a relevant offence, and
    - (ii) shall give a copy of the notices to the person who was convicted of the offence.

- (8) Where, on an appeal against a person's conviction of the relevant offence or against a sentence of imprisonment imposed on him in dealing with him for the offence, his conviction is quashed or the sentence is reduced to one which is not a sentence of imprisonment taking immediate effect, the court which determines the appeal or, as the case may be, the court to which the case is remitted, shall cause notice of the quashing of the conviction or of the sentence imposed to be sent to the persons specified in subsection (7)(b)(i) and (ii) above and, where his conviction is quashed, the Authority shall re-admit him to membership of the scheme, but without prejudice to any proceedings under the scheme to exclude him from membership.
- (9) A person in relation to whom a probation order was made under Part III of the Powers of Criminal Courts Act 1973 shall, notwithstanding anything in section 13 of that Act (convictions to be disregarded for purposes of disqualification), be treated as having been convicted of the offence for the purposes of this section.
- (10) In this section and Schedule 1 to this Act—
  - (a) “declaration of relevance”, in relation to an offence, means a declaration that the offence related to football matches;
  - (b) “imprisonment” includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody); and
  - (c) the reference to a clerk of a magistrates' court is to be construed in accordance with section 141 of the Magistrates' Courts Act 1980, reading references to that Act as references to this section.

#### *Licences to admit spectators*

### **8 The Football Licensing Authority**

- (1) There shall be a body called the Football Licensing Authority (in this Part of this Act referred to as “the licensing authority”) which shall perform the functions assigned to it by this Part of this Act.
- (2) The licensing authority shall consist of a chairman and not less than 4 nor more than 8 other members.
- (3) The chairman and other members of the licensing authority shall be appointed by the Secretary of State.
- (4) Schedule 2 to this Act shall have effect with respect to the licensing authority.
- (5) The expenses of the licensing authority shall be paid by the Secretary of State.

### **9 Offence of admitting spectators to unlicensed premises**

- (1) Subject to subsection (2) below, if persons are admitted as spectators to, or permitted to remain as spectators on, any premises during a period relevant to a designated football match without a licence to admit spectators being in force, any responsible person commits an offence.
- (2) Where a person is charged with an offence under this section it shall be a defence to prove either that the spectators were admitted in an emergency or—
  - (a) that the spectators were admitted without his consent; and



- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.
- (3) A person guilty of an offence under this section shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

## **10 Licences to admit spectators: general**

- (1) The licensing authority may, on an application duly made by a responsible person, grant a licence to admit spectators to any premises for the purpose of watching any designated football match played at those premises.
- (2) An application for a licence in respect of any premises shall be made in such manner, in such form and accompanied by such fee as may be determined by the Secretary of State.
- (3) The licensing authority shall not refuse to grant a licence without—
  - (a) notifying the applicant in writing of the proposed refusal and of the grounds for it;
  - (b) giving him an opportunity to make representations about them within the period of twenty-eight days beginning with the service of the notice; and
  - (c) taking any representations so made into account in making its decision.
- (4) A licence to admit spectators to any premises may authorise the admission of spectators to watch all designated football matches or specified descriptions of designated football matches or a particular such match.
- (5) A licence to admit spectators shall be in writing and shall be granted on such terms and conditions as the licensing authority considers appropriate and, if the Secretary of State gives to the licensing authority a direction under section 11 below, the conditions may include conditions imposing requirements as respects the seating of spectators.
- (6) A licence to admit spectators may also include conditions requiring specified descriptions of spectators to be refused admittance to the premises to watch designated football matches or specified descriptions of designated football matches or a particular such match.
- (7) Where a designation order includes the provision authorised by section 1(4)(b) above as respects the admission of spectators to any ground as authorised spectators, the licensing authority may, by notice in writing to the licence holder, direct that, for the purposes of any match or description of match specified in the direction, the licence shall be treated as including such specified terms and conditions as respects the admission of spectators as authorised spectators as the licensing authority considers appropriate; and the licence shall have effect, for that purpose, subject to those terms and conditions.
- (8) It shall be a condition of every licence that any authorised person shall be entitled, on production, if so required, of his authority—
  - (a) to enter at any reasonable time any premises on which a designated football match is being or is to be played;
  - (b) to make such inspection of the premises and such inquiries relating to them as he considers necessary for the purposes of this Part of this Act; or

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- (c) to examine any records relating to the operation of the national football membership scheme on the premises, and take copies of such records.
- (9) A licence to admit spectators shall, unless revoked or suspended under section 12 below or surrendered, remain in force for a specified period.
- (10) Subject to subsection (11) below, the licensing authority may at any time, by notice in writing to the licence holder, vary the terms and conditions of the licence.
- (11) The licensing authority shall not vary the terms or conditions of a licence without—
  - (a) notifying the licence holder in writing of the proposed alterations or additions;
  - (b) giving him an opportunity to make representations about them within the period of twenty-one days beginning with the service of the notice; and
  - (c) taking any representations so made into account in making the decision.
- (12) In taking any decision under this section the licensing authority shall have regard, among the other relevant circumstances, to the following matters or to such of them as are applicable to the decision, that is to say—
  - (a) whether the premises and the equipment provided and procedures used at the premises are such as to secure that, except (in the case of the procedures) in an emergency, only authorised spectators are admitted to designated football matches;
  - (b) whether and to what extent the requirements imposed for that purpose by the national football membership scheme on responsible persons have been complied with;
  - (c) whether the equipment provided, procedures used and other arrangements in force at the premises are such as are reasonably required to prevent the commission or minimise the effects of offences at designated football matches; and
  - (d) such other considerations as the Secretary of State determines from time to time and notifies to the licensing authority.
- (13) Subject to subsection (14) below, if any term or condition of a licence is contravened any responsible person commits an offence.
- (14) Where a person is charged with an offence under subsection (13) above it shall be a defence to prove—
  - (a) that the contravention took place without his consent; and
  - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.
- (15) A person guilty of an offence under subsection (13) above shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (16) The fees charged on the issue of licences—
  - (a) may be fixed so as to reimburse the licensing authority their expenses under this Part of this Act; and
  - (b) shall be paid by the licensing authority to the Secretary of State.
- (17) In this section—
  - “authorised person” means any person authorised by the Secretary of State, the licensing authority or the Football Membership Authority;

“specified” means specified in the licence or in the case of subsection (7) in the direction; and

“vary”, in relation to a licence, includes the addition of further terms or conditions.

## **11 Power of Secretary of State to require conditions in licences relating to seating**

- (1) The Secretary of State may, by order, direct the licensing authority to include in any licence to admit spectators to any specified premises a condition imposing requirements as respects the seating of spectators at designated football matches at the premises; and it shall be the duty of the authority to comply with the direction.
- (2) The requirements imposed by a condition in pursuance of this section may relate to the accommodation to be provided at, or the arrangements to be made as respects the spectators admitted to, the premises.
- (3) A direction may require the licensing authority to include the condition in the licence when granting it or by way of varying the conditions of a licence.
- (4) Before giving a direction under this section in relation to any premises the Secretary of State shall consult the licensing authority which may, if it thinks fit, make recommendations to him.
- (5) The licensing authority shall not make any recommendations under subsection (4) above without consulting the local authority in whose area the premises are situated.
- (6) The power to make an order containing a direction under this section is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “local authority” has the same meaning as in the Safety of Sports Grounds Act 1975.

## **12 Licences to admit spectators: revocation and suspension**

- (1) The licensing authority may, subject to subsections (2), (3) and (4) below, at any time, by notice in writing to the holder of a licence to admit spectators, revoke the licence or suspend the licence indefinitely or for such period as the authority considers appropriate.
- (2) The licensing authority shall not suspend or revoke a licence under this section unless satisfied that it is necessary to do so having regard to the matters which are relevant for the purposes of this section.
- (3) The matters which are relevant for the purposes of this section are—
  - (a) the matters specified in paragraphs (a), (b) and (c) of section 10(12) above; and
  - (b) such other considerations as the Secretary of State determines from time to time and notifies to the licensing authority.
- (4) The licensing authority shall not revoke or suspend a licence to admit spectators without—
  - (a) notifying the licence holder of the proposed revocation or suspension and of the grounds for it;

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- (b) giving him an opportunity to make representations about the matter within the period of twenty-one days beginning with the date of the service of the notice; and
  - (c) taking any representations so made into account in making the decision.
- (5) The licensing authority may, if satisfied that the urgency of the case so requires, suspend a licence under this section without observing the requirements of subsection (4) above but the authority shall, as soon as is practicable, notify the person to whom the licence was granted of the grounds for the suspension.
- (6) A licence suspended under this section shall during the time of suspension be of no effect.
- (7) Where a licence has been suspended under this section the person to whom the licence was granted may at any time apply to the licensing authority to terminate the suspension and the licensing authority may terminate the suspension if it appears to be appropriate to do so having regard to the relevant matters and after taking into account any representations made by the applicant.

### **13 Licensing authority's powers in relation to safety at football grounds**

- (1) The licensing authority shall have the function of keeping under review the discharge by local authorities of their functions under the Safety of Sports Grounds Act 1975 in relation to sports grounds at which designated football matches are played and shall have the powers conferred in relation to those functions by the following provisions of this section.
- (2) The licensing authority may, by notice in writing to the local authority concerned, require the local authority to include in any safety certificate such terms and conditions as are specified in the notice; and it shall be the duty of the local authority to comply with the requirement.
- (3) Before exercising its power under subsection (2) above to require the inclusion of specified terms and conditions in any safety certificate, the licensing authority shall consult the local authority, the chief officer of police and either the fire authority (where the local authority is in Greater London or a metropolitan county) or the building authority (in any other case).
- (4) As respects those terms and conditions, the local authority need not consult the chief officer of police, the fire authority or the building authority under section 3(3) or 4(8) of the Safety of Sports Grounds Act 1975 before issuing a safety certificate or about any proposal to amend or replace one.
- (5) A notice under subsection (2) above may require the issue under that Act of a safety certificate incorporating the specified terms or conditions or the amendment under that Act of a safety certificate so that it incorporates the specified terms or conditions.
- (6) Any inspector appointed by the licensing authority may, for the purposes of the discharge by the licensing authority of its function under subsection (1) above, on production, if so required, of his authority—
  - (a) enter at any reasonable time any sports ground at which designated football matches are played;
  - (b) make such inspection of the ground and such inquiries relating to the ground as he considers necessary; or

- (c) examine the safety certificate and any records kept under the Safety of Sports Grounds Act 1975 or this Part of this Act, and take copies of such records.
- (7) The licensing authority may, by notice in writing to any local authority, require the local authority to furnish to the licensing authority such information relating to the discharge by the local authority of its functions under the Safety of Sports Grounds Act 1975 as is specified in the notice; and it shall be the duty of the local authority to comply with the requirement.
- (8) Section 5(3) of the Safety of Sports Grounds Act 1975 (appeals against terms and conditions of safety certificates) shall have effect with the insertion, after paragraph (ii), of the words “but not against the inclusion in a safety certificate of anything required to be included in it by the Football Licensing Authority under section 13(2) of the Football Spectators Act 1989”.
- (9) Any expression used in this section and in the Safety of Sports Grounds Act 1975 has the same meaning in this section as in that Act.

## **PART II**

### **FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES**

#### *Preliminary*

#### **14 Scope and interpretation of this Part**

- (1) This Part of this Act applies in relation to football matches played in any country outside England and Wales which are designated football matches and the following provisions have effect for its interpretation.
- (2) “Designated football match” means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.
- (3) The power to make orders under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A “restriction order” means an order of a court under section 15 or 22 below requiring the person to whom the order applies to report to a police station on the occasion of designated football matches.
- (5) The offences “relevant” for the making by a court of a restriction order are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).
- (6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches are references to football matches designated for the purposes of Part I of this Act except that in paragraphs (h), (i), (k) and (l) they include references to football matches designated under subsection (2) above; and section 1(8) above applies for the interpretation of references to periods relevant to designated football matches.

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- (7) The “enforcing authority” means such organisation established by the Secretary of State under section 41 of the Police Act 1964 (common services organisations) as the Secretary of State designates for the purposes of this Part of this Act by order made by statutory instrument.
- (8) An order under subsection (2) above may, in relation to any description of football match or any particular football match specified in the order, direct that reporting is obligatory for all persons subject to restriction orders or that reporting is obligatory only for such persons subject to restriction orders as are required to report under section 19(3)(b) below.
- (9) In this Part of this Act—
  - “country” includes territory;
  - “declaration of relevance”, in relation to an offence, means a declaration that the offence related to football matches; and
  - “imprisonment” includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody),
  - “prison” includes any place where a person is detained or in such custody and
  - “discharge” from prison does not include temporary discharge.

### *Restriction orders*

## **15      Restriction orders**

- (1) A court by or before which a person is convicted of a relevant offence or, if a person convicted of such an offence is committed to it to be dealt with, the Crown Court on dealing with him for the offence, may make a restriction order in relation to him.
- (2) No restriction order may be made unless the court is satisfied that making such an order in relation to the accused would help to prevent violence or disorder at or in connection with designated football matches.
- (3) A restriction order may only be made—
  - (a) in addition to a sentence imposed in respect of the offence of which the accused is (or was) convicted; or
  - (b) in addition to a probation order.
- (4) A restriction order may be made as mentioned in subsection (3)(b) above notwithstanding anything in sections 2 and 13 of the Powers of Criminal Courts Act 1973 (which relate to probation orders).
- (5) A restriction order shall specify the police station in England or Wales at which the person subject to the order is to report initially.
- (6) The court shall, on making the order in relation to the accused, explain its effect to him in ordinary language.
- (7) In section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted “or
  - (iv) a restriction order under section 15 of the Football Spectators Act 1989;”.

## **16 Effect of order**

- (1) Subject to subsection (3) below and section 17 below, the period for which a restriction order has effect in relation to a person convicted of a relevant offence is—
  - (a) in a case where he was sentenced in respect of that offence to a period of imprisonment taking immediate effect, five years, and
  - (b) in any other case, two years,beginning with the date of the making of the order.
- (2) The duty to report imposed by a restriction order on the person subject to the order is a duty—
  - (a) to report initially to the police station specified in the order within the period of five days beginning with the date of the making of the order, and
  - (b) subject to any exemption, to report on the occasion of designated football matches when required to do so under section 19(3)(b) below to any police station in England or Wales at the time or between the times specified in the notice by which the requirement is imposed.
- (3) The duty to report shall, in the case of a person sentenced to or serving a term of imprisonment, be suspended until his discharge from prison and the order shall have effect, if he is discharged more than five days before the expiry of the period for which the order has effect and he was precluded by his being in prison from reporting initially, as if it required him to report initially to any police station within the period of five days beginning with the date of his discharge.
- (4) A person who, without reasonable excuse, fails to comply with the duty to report imposed by a restriction order commits an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or to both.

## **17 Application to terminate restriction order**

- (1) A person in relation to whom a restriction order has had effect for at least one year may apply to the court by which it was made to terminate it.
- (2) On such an application the court may, having regard to the person's character, his conduct since the order was made, the nature of the offence which led to it and any other circumstances of the case, either by order terminate the restriction order (as from a date specified in the terminating order) or refuse the application.
- (3) Where an application under this section is refused, a further application in respect of the restriction order shall not be entertained if made within the period of six months beginning with the day of the refusal.
- (4) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (5) In the case of a restriction order made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.
- (6) Section 63(2) of the Magistrates' Courts Act 1980 (power to suspend or rescind orders) does not apply to a restriction order.

## **18 Information**

- (1) Where a court makes a restriction order, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
  - (a) shall give a copy of it to the person to whom it relates;
  - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority;
  - (c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which the person subject to the order is to report initially; and
  - (d) in a case where the person subject to the order is sentenced by the court to or is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of it to the governor of the prison or other person to whose custody he will be committed or in whose custody he is, as the case may be.
- (2) Where a court terminates a restriction order under section 17 above, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
  - (a) shall give a copy of the terminating order to the person to whom the restriction order relates;
  - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority; and
  - (c) in a case where the person subject to the restriction order is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of the terminating order to the governor of the prison or other person in whose custody he is, as the case may be.
- (3) Where a person subject to a restriction order is discharged from prison and, in the case of a person who has not reported initially to a police station, is discharged more than five days before the expiry of the restriction order, the governor of the prison or person in whose custody he is, as the case may be, shall (as soon as reasonably practicable) give notice of his discharge to the enforcing authority.
- (4) References in this section to the clerk of a magistrates' court shall be construed in accordance with section 141 of the Magistrates' Courts Act 1980, reading references to that Act as references to this section.

### *Reporting*

## **19 Functions of enforcing authority and local police**

- (1) The enforcing authority and the officer responsible for the police station at which he reports initially shall have the following functions as respects any person subject to a restriction order.
- (2) On a person reporting initially at the police station, the officer responsible for the station may make such requirements of that person as are determined by the enforcing authority to be necessary or expedient for giving effect to restriction orders.
- (3) During the currency of a restriction order in force in relation to any person the enforcing authority shall perform the following functions on the occasion of any designated football match, that is to say—



- (a) where the match is one for which reporting is obligatory for all persons subject to restriction orders, the authority shall, by notice in writing to that person, require him to report to a police station at the time or between the times specified in the notice;
  - (b) where the match is one for which reporting is obligatory for such persons only as are required to report under this paragraph, the authority shall, if that person is one as respects whom subsection (4) below is satisfied, by notice in writing to that person, require him to report to a police station at the time or between the times specified in the notice.
- (4) No requirement to report under subsection (3)(b) above shall be imposed by the enforcing authority on any person unless imposing it is, in their opinion, necessary or expedient in order to reduce the likelihood of violence or disorder at, or in connection with, the designated football match; and the authority may establish criteria for determining whether any person or class of persons ought to be required to report under that paragraph.
- (5) The enforcing authority, in exercising their functions under this section, shall have regard to any guidance issued by the Secretary of State under section 21 below.
- (6) A person who, without reasonable excuse, fails to comply with any requirement imposed on him under subsection (2) above shall be guilty of an offence.
- (7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **20 Exemptions from requirement to report as respects a match**

- (1) A person who is subject to a restriction order may—
  - (a) as respects a particular designated football match, or
  - (b) as respects designated football matches played during a period,apply to the authority empowered to grant exemptions under this section (“the exempting authority”) to be exempt from the duty to report as respects that match or matches played during that period.
- (2) The enforcing authority may grant exemptions under this section in all cases; but where the application is for an exemption as respects matches to be played within the period of five days beginning with the date of the application, or a particular match to be played within that period, the officer responsible for a police station may, subject to subsection (3) below, grant the exemption.
- (3) The officer responsible for a police station shall not grant an exemption without referring the question of exemption to the enforcing authority, unless he considers that it is not reasonably practicable to do so.
- (4) The exempting authority shall exempt the applicant from the duty to report if he shows to the authority’s satisfaction—
  - (a) that there are special circumstances which justify his being so exempted; and
  - (b) that, because of those circumstances, he would not attend the match or matches if he were so exempted.
- (5) The exempting authority shall, in taking any decision under subsection (4) above, have regard to any guidance issued by the Secretary of State under section 21 below.

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- (6) Where an exemption is granted by the exempting authority to a person under subsection (4) above the duties of the authority under section 19(3) above and of that person to report shall be suspended as respects the match or matches to which the exemption applies.
- (7) A person who is aggrieved by the refusal of the exempting authority to grant him an exemption under subsection (4) above may, after giving the authority notice in writing of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which he resides.
- (8) On any appeal under subsection (7) above the court may make such order as it thinks fit.
- (9) The court may order the appellant to pay all or any part of the costs of an appeal under subsection (7) above.
- (10) Any person commits an offence who, in connection with an application under this section to be exempted from a duty to report—
  - (a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or
  - (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular.
- (11) A person guilty of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **21 Functions of enforcing authority: supplementary provisions**

- (1) The Secretary of State may issue to the enforcing authority such guidance as he considers appropriate for the purposes of the exercise of their functions under sections 19 and 20 above.
- (2) The Secretary of State shall make such arrangements as he considers appropriate for publishing the guidance issued from time to time under subsection (1) above.
- (3) The Secretary of State may make regulations regulating the giving by the enforcing authority to persons subject to restriction orders of notices under section 19 above imposing requirements to report to police stations; and it shall be the duty of the enforcing authority to comply with the regulations.
- (4) Regulations under subsection (3) above may exclude the operation of section 25 below.
- (5) The power to make regulations under subsection (3) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where any notice is given under section 19 above by the enforcing authority in accordance with regulations under subsection (3) above, the notice shall be taken to have been received by the person to whom it was addressed unless he proves that he did not receive the notice and did not know and had no reasonable cause to believe that he had been required to report to a police station.

- (7) Where any notice is given under section 19 above by the enforcing authority in accordance with section 25 below, subsection (6) above shall apply as it applies to such a notice given in accordance with regulations under subsection (3) above.
- (8) The Secretary of State may pay to the enforcing authority any expenses incurred by them in exercising their functions under sections 19 and 20 above.

*Relevant offences outside England and Wales*

**22      Restriction orders arising out of offences outside England and Wales**

- (1) Her Majesty may, by Order in Council, specify offences (“corresponding offences”) under the law of any country outside England and Wales which appear to Her to correspond to any offence specified in Schedule 1 to this Act.
- (2) Upon an information being laid before a justice of the peace for any area that a person who resides or is believed to reside in that area has been convicted of a corresponding offence in a country outside England and Wales, the justice may—
  - (a) issue a summons directed to that person requiring him to appear before a magistrates' court for that area to answer to the information; or
  - (b) subject to subsection (3) below, issue a warrant to arrest that person and bring him before a magistrates' court for that area.
- (3) No warrant shall be issued under subsection (2) above unless the information is in writing and substantiated on oath.
- (4) Where a person appears or is brought before a magistrates' court in pursuance of subsection (2) above, the court, if satisfied that—
  - (a) he is ordinarily resident in England and Wales, and
  - (b) has been convicted in the country outside England and Wales of the corresponding offence,may, unless it appears that the conviction is the subject of proceedings in a court of law in that country questioning the conviction, make a restriction order in relation to him.
- (5) No restriction order may be made under this section in relation to a person unless the court is satisfied that making such an order in relation to him would help to prevent violence or disorder at or in connection with designated football matches.
- (6) In proceedings under subsection (4) above, the court shall have the like powers, including power to adjourn the proceedings and meanwhile to remand the defendant on bail (but not in custody), and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were the trial of an information for a summary offence.
- (7) Any person aggrieved by the decision of a magistrates' court making a restriction order under this section may appeal to the Crown Court against the decision.
- (8) Sections 15(3) to (6) and 16 to 21 above shall apply in relation to a person subject to a restriction order under this section as they apply in relation to a person subject to a restriction order made by a magistrates' court under section 15.
- (9) An Order in Council under subsection (1) above relating to any country may include provision—

- (a) specifying the authority in that country which is to certify the conviction of a person in that country of a corresponding offence, the nature and circumstances of the offence and whether or not the conviction is the subject of proceedings in that country questioning it; and
  - (b) prescribing the form of such certificates.
- (10) A certificate in the form prescribed by an Order in Council under subsection (1) above shall be admissible in any proceedings under this Part of this Act as evidence of the facts stated in the certificate and a document in that form shall be taken to be such a certificate unless the contrary is proved.
- (11) In proceedings against a person under this section, the facts stated in such a certificate shall, on production of the certificate and proof that that person is the person whose conviction is certified, be taken to be proved unless the contrary is proved.
- (12) Any statutory instrument containing an Order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### PART III

#### GENERAL

#### **23 Further provision about, and appeals against, declarations of relevance**

- (1) Subject to subsection (2) below, a court may not make a declaration of relevance as respects any offence unless it is satisfied that the prosecutor gave notice to the defendant, at least five days before the first day of the trial, that it was proposed to show that the offence related to football matches.
- (2) A court may, in any particular case, make a declaration of relevance notwithstanding that notice to the defendant as required by subsection (1) above has not been given if he consents to waive the giving of full notice or the court is satisfied that the interests of justice do not require more notice to be given.
- (3) A person convicted of an offence as respects which the court makes a declaration of relevance may appeal against the making of the declaration of relevance as if the declaration were included in any sentence passed on him for the offence, and accordingly—
  - (a) in section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after the sub-paragraph (iv) inserted by section 15(7) above there shall be inserted “or
    - (v) a declaration of relevance under the Football Spectators Act 1989;”;
  - (b) in section 50(1) of that Act (meaning of “sentence”), at the end there shall be inserted the words “and a declaration of relevance under the Football Spectators Act 1989”; and
  - (c) in section 108(3) of the Magistrates' Courts Act 1980 (right of appeal to the Crown Court), at the end there shall be inserted the words “and also includes a declaration of relevance under the Football Spectators Act 1989.”
- (4) A restriction order made upon a person's conviction of a relevant offence shall be quashed if the making of a declaration of relevance as respects that offence is reversed on appeal.

**24 Offences by bodies corporate**

- (1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or similar officer of the body corporate, or any person purporting to act in that capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

**25 Service of documents**

- (1) Any notice or other document required or authorised by or by virtue of this Act to be served on any person may be served on him either by delivering it to him or by leaving it at his proper address or by sending it by post.
- (2) Any notice or other document so required or authorised to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (3) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered office or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.
- (4) This section, and the said section 7 in its application to this section, is subject to section 21(4) and (7) above.

**26 Financial provision**

- (1) Any expenses of the Secretary of State under this Act shall be paid out of money provided by Parliament.
- (2) Any fees received by the Secretary of State under this Act shall be paid into the Consolidated Fund.

**27 Citation, commencement, consequential repeal and extent**

- (1) This Act may be cited as the Football Spectators Act 1989.
- (2) The provisions of this Act (other than this section) shall not come into operation until such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) Different days may be appointed under subsection (2) above for different provisions of this Act.
- (4) A statutory instrument appointing a commencement date for section 3 or section 13 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Sections 30 to 37 of the Public Order Act 1986 (which provide for exclusion orders) shall cease to have effect on the date appointed under subsection (2) above for the

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commencement of section 2 of this Act except for the purposes of the making under section 33 of that Act of applications after that date to terminate exclusion orders and the communication of terminating orders under section 34(2) of that Act.

(6) This Act, except paragraph 14 of Schedule 2, extends to England and Wales only.