



Football Spectators Act 1989

1989 CHAPTER 37

PART I

FOOTBALL MATCHES IN ENGLAND AND WALES

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

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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 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
 - (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.

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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
- (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

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- (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.

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- (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—

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- (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.