



Football (Offences and Disorder) Act 1999

1999 CHAPTER 21

Domestic football banning orders

6 Domestic football banning orders

- (1) In the Public Order Act 1986 (referred to in this Act as the 1986 Act) for section 30 (which confers powers on courts to make exclusion orders) substitute—

“30 Domestic football banning orders

- (1) Subject to subsection (4)—
- (a) a court by or before which a person is convicted of an offence to which section 31 applies, or
 - (b) if a person convicted of such an offence is committed to the Crown Court to be dealt with, the Crown Court on dealing with him for the offence,
- shall have the power to make an order (a domestic football banning order) prohibiting him from entering any premises for the purpose of attending any prescribed football match there.
- (2) Subject to subsection (4), it shall be the duty of the court to make a domestic football banning order in relation to the accused if it is satisfied that there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with prescribed football matches.
- (3) Where the court has power to make a domestic football banning order in relation to the accused but does not do so, it shall state in open court that it is not satisfied that there are such reasonable grounds as are mentioned in subsection (2) and give reasons why it is not satisfied.
- (4) A domestic football banning 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 an order discharging him absolutely or conditionally.

(5) A domestic football banning order may be made as mentioned in subsection (4)(b) notwithstanding anything in sections 1A and 1C of the Powers of the Criminal Courts Act 1973 (which relate to orders discharging a person absolutely or conditionally and their effect).

(6) The court shall, on making the order in relation to the accused, explain its effect to him in ordinary language.”

(2) In consequence of subsection (1)—

- (a) for “an exclusion order”, wherever occurring in sections 32(1) and (3) and 33 to 35 of the 1986 Act, substitute “a domestic football banning order”,
- (b) for “the exclusion order”, wherever occurring in sections 33 to 35 of the 1986 Act, substitute “the domestic football banning order”,
- (c) for “an exclusion order”, in section 7(1) of the 1989 Act, substitute “a domestic football banning order”,
- (d) for “exclusion orders”, in section 27(5) of the 1989 Act, substitute “domestic football banning orders”, and
- (e) in section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court) in paragraph (c), after sub-paragraph (v) insert—
 - “(vi) a domestic football banning order under section 30 of the Public Order Act 1986; or”.

7 Offences to which section 31 of 1986 Act applies

(1) For section 31 of the 1986 Act (offences connected with football) substitute—

“31 Offences to which this section applies

- (1) This section applies to any offence specified in Schedule 1 to the Football Spectators Act 1989 (with or, as the case may be, without a declaration of relevance).
- (2) Sections 14(6) and (9) and 23(1) to (3) of that Act (interpretation and declarations of relevance) shall apply for the purposes of this section as they apply for the purposes of that Act.
- (3) Section 23(4) of that Act (quashing of order if declaration of relevance reversed on appeal) shall apply in relation to domestic football banning orders and offences to which this section applies as it applies in relation to international football banning orders and relevant offences.”

(2) In consequence of subsection (1)—

- (a) in section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court) in paragraph (c), after the sub-paragraph (vi) inserted by section 6(2)(e) of this Act insert—
 - “(vii) a declaration of relevance under section 31 of the Public Order Act 1986; or”,
- (b) in section 50 of that Act (meaning of sentence) in subsection (1)(h) (which contains a reference to a declaration of relevance under the 1989 Act) after “under” insert “section 31 of the Public Order Act 1986 or under”, and

- (c) in section 108(3) of the Magistrates' Courts Act 1980 (which contains a reference to a declaration of relevance under the 1989 Act) after “under” insert “section 31 of the Public Order Act 1986 or under”.

8 Effect of orders etc

- (1) In section 32 of the 1986 Act (effect of order) for subsection (2) (which sets out the period for which an order may have effect) substitute—
 - “(2) The period shall not be less than one year nor more than three years.”
- (2) In subsection (3) of that section (person entering premises in breach of order guilty of offence and liable on summary conviction to imprisonment for term not exceeding 1 month or a fine not exceeding level 3 on standard scale or both)—
 - (a) for “1 month” substitute “six months”, and
 - (b) for “level 3” substitute “level 5”.
- (3) In section 24(2) of the Police and Criminal Evidence Act 1984 (arrestable offences) after paragraph (q) insert—
 - “(r) an offence under section 32(3) of the Public Order Act 1986 (entering premises in breach of domestic football banning order).”
- (4) In consequence of subsection (3), section 32(4) of the 1986 Act (power of arrest without warrant) is repealed.
- (5) In section 34(2) of the 1986 Act (action following termination of order under section 28) for “section 28” substitute “section 33”.