



Police, Public Order and Criminal Justice (Scotland) Act 2006

2006 asp 10

PART 2

PUBLIC ORDER ETC.

CHAPTER 1

FOOTBALL BANNING ORDERS

Making and content of orders

51 Making of order on conviction of a football-related offence

- (1) This section applies where—
 - (a) a person is convicted of an offence; and
 - (b) the person was aged 16 or over at the time the offence was committed.
- (2) Instead of or in addition to any sentence which it could impose, the court which deals with the person in respect of the offence may, if satisfied as to the matters mentioned in subsection (3), make a football banning order against the person.
- (3) Those matters are—
 - (a) that the offence was one to which subsection (4) applies; and
 - (b) that there are reasonable grounds to believe that making the football banning order would help to prevent violence or disorder at or in connection with any football matches.
- (4) This subsection applies to an offence if—
 - (a) the offence involved the person who committed it engaging in violence or disorder; and
 - (b) the offence related to a football match.

Status: This is the original version (as it was originally enacted).

- (5) Where the court does not make a football banning order, but is nevertheless satisfied that the offence was one to which subsection (4) applies, it may declare that to be the case.
- (6) For the purpose of subsection (4)(b), an offence relates to a football match if it is committed—
- (a) at a football match or while the person committing it is entering or leaving (or trying to enter or leave) the ground;
 - (b) on a journey to or from a football match; or
 - (c) otherwise, where it appears to the court from all the circumstances that the offence is motivated (wholly or partly) by a football match.
- (7) The references in subsection (6)(a) and (b) to a football match include a reference to any place (other than domestic premises) at which a football match is being televised; and, in the case of such a place, the reference in subsection (6)(a) to the ground is to be taken to be a reference to that place.
- (8) For the purpose of subsection (6)(b)—
- (a) a person may be regarded as having been on a journey to or from a football match whether or not the person attended or intended to attend the match; and
 - (b) a person's journey includes breaks (including overnight breaks).
- (9) On making a football banning order, or a declaration, under this section, a court must explain to the person in ordinary language the effect of the order or declaration.
- (10) But failure to comply with subsection (9) does not affect the order's (or declaration's) validity.