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STATUTORY INSTRUMENTS

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**2006 No. 313**

**The Safety of Sports Grounds (Northern Ireland) Order 2006**

**PART II**

**SAFETY OF DESIGNATED SPORTS GROUNDS**

**Interpretation of Part II**

**3.** In this Part—

“designated sports ground” means a sports ground in respect of which a designation order is in operation;

“designation order” means an order under Article 4(1);

“general safety certificate” means such a safety certificate as is mentioned in Article 4(5)(a); and

“special safety certificate” means such a safety certificate as is mentioned in Article 4(5)(b);

“prohibition notice” has the meaning assigned to it by Article 9(1);

“qualified person” has the meaning assigned to it by Article 6(1);

“safety certificate” means a certificate under this Part;

“spectator” means any person occupying accommodation provided for spectators at a sports ground.

**Designation of sports grounds**

**4.—(1)** The Department may by order designate as a sports ground requiring a safety certificate any sports ground which in its opinion has accommodation for more than 5,000 spectators.

(2) The Department may by order substitute, for the number for the time being specified in paragraph (1), such other number as it considers appropriate.

(3) An order under paragraph (2)—

(a) may make different substitutions for different classes of sports ground; but

(b) does not affect the validity of any designation previously made.

(4) The Department—

(a) may estimate, by any means which it considers appropriate, for how many spectators a sports ground has accommodation; and

(b) may require any person concerned with the management of a sports ground to provide the Department within such reasonable time as it may specify with such information as it considers necessary for the purpose of making such an estimate.

(5) A safety certificate may be either—

- (a) a certificate issued by the council for the district in which a sports ground is situated in respect of the use of the sports ground for an activity or a number of activities specified in the certificate during an indefinite period commencing with a date so specified, or
- (b) a certificate issued by that council in respect of the use of the sports ground for an activity or a number of activities specified in the certificate on an occasion or series of occasions so specified.

### **Contents of safety certificate**

5.—(1) A safety certificate shall contain such terms and conditions as the council considers necessary or expedient to secure reasonable safety at the sports ground when it is in use for the specified activity or activities, and the terms and conditions may be such as to involve alterations or additions to the sports ground.

(2) In so far as an order under Article 25 so requires as respects any class of sports ground, a safety certificate shall include such terms and conditions as may be provided for in the order.

(3) No condition of a safety certificate shall require the provision of the services at the ground of any police officers unless the extent of the provision of their services is reserved for the determination of the Chief Constable.

(4) Without prejudice to paragraph (1), a safety certificate may include a condition that records shall be kept—

- (a) of the attendance of spectators at the sports ground; and
- (b) relating to the maintenance of safety at the sports ground.

(5) A general safety certificate shall contain or have attached to it a plan of the sports ground and the terms and conditions in the certificate or in any special safety certificate issued for the sports ground shall be framed, where appropriate, by reference to that plan.

(6) A safety certificate may include different terms and conditions in relation to different activities.

(7) Nothing in a safety certificate shall derogate from any requirements imposed by regulations under Article 19(2).

### **Applications for safety certificates**

6.—(1) If a council receives an application for a safety certificate for a designated sports ground in its district, it shall determine whether the applicant is a person likely to be in a position to prevent contravention of the terms and conditions of a certificate; and such a person is referred to in this Part as a “qualified person”.

(2) If the council determines that an applicant is a qualified person—

- (a) where no general safety certificate for the sports ground is in operation, the council shall issue such a certificate for it to him; and
- (b) where a general safety certificate for the sports ground is in operation, the council may issue a special safety certificate for it to him.

(3) The council shall—

- (a) send a copy of an application for a safety certificate to the Chief Constable and the Fire Authority; and
- (b) consult each of them about the terms and conditions to be included in the certificate.

(4) The council may by notice require an applicant for a safety certificate to provide it within such reasonable time as it may specify in the notice with such information and such plans as it

considers necessary to enable it to determine the terms and conditions which ought to be included in any certificate issued in response to his application.

(5) If an applicant for a safety certificate fails to comply with a requirement under paragraph (4) within the time specified by the council, or within such further time as it may allow, he shall be deemed to have withdrawn his application.

### **Amendment, replacement, transfer, cancellation or surrender of certificates**

7.—(1) The council may, in any case in which it appears appropriate to the council to do so—

- (a) amend a safety certificate by notice to its holder; or
- (b) replace a safety certificate.

(2) A safety certificate may be amended or replaced either on the application of the holder or without such an application.

(3) Article 5 shall apply on the amendment or replacement of a safety certificate.

(4) A notice under paragraph (1)(a) amending a general safety certificate shall specify the date on which the amendment to which it relates is to come into operation, and the date so specified may be a date later than the date of issue of the notice.

(5) If the council receives an application for the transfer of a safety certificate from the holder to some other person, the council—

- (a) shall determine whether that person is a qualified person; and
- (b) if it determines that he is, may transfer the certificate to him.

(6) An application under paragraph (5) may be made either by the holder of a safety certificate or by a person to whom it is proposed that it should be transferred.

(7) The council shall send a copy of an application for the transfer of a safety certificate to the Chief Constable and the Fire Authority.

(8) The council shall consult the Chief Constable and the Fire Authority about any proposal to amend, replace or transfer a safety certificate.

(9) The holder of a safety certificate may surrender it to the council, and it shall thereupon cease to have effect.

(10) The council may cancel a safety certificate if the holder dies or (if a body corporate) is dissolved.

### **Appeals**

8.—(1) A council shall—

- (a) if it determines that an applicant for a safety certificate is not a qualified person, serve on him a notice stating its determination;
- (b) if it determines that a person to whom it is proposed in an application under Article 7(5) to transfer a safety certificate is not a qualified person serve on him a notice stating its determination;

and a person on whom such a notice is served may appeal against the determination to the court.

(2) An applicant for a special safety certificate may also appeal to the court against a refusal of his application on grounds other than a determination that he is not a qualified person.

(3) An interested party may appeal to the court against—

- (a) the inclusion of anything in, or the omission of anything from, a safety certificate; or
- (b) the refusal of the council to amend or replace a safety certificate.

- (4) Any appeal to the court under this Article shall be brought—
- (a) in accordance with Part VII of the [Magistrates' Courts \(Northern Ireland\) Order 1981 \(NI 26\)](#); and
  - (b) within the period prescribed under Article 19(1)(c).

(5) Subject to paragraph (6), if a council serves a notice under paragraph (1) on any applicant for a safety certificate, he shall be deemed to have withdrawn his application on the expiry of the period within which an appeal against the council's determination must, by virtue of paragraph (4) (b), be brought.

(6) Paragraph (5) shall not have effect if an appeal is brought before the expiry of the period there mentioned, but if the appeal is withdrawn or the court upholds the council's determination, the appellant shall be deemed to have withdrawn his application on the date of the withdrawal of his appeal or of the court's determination.

(7) Where an appeal is brought against the inclusion of any term or condition in a safety certificate (whether it was included in the certificate originally or only on its amendment or replacement), the bringing of the appeal shall not have the effect of suspending the operation of the term or condition.

(8) The council or an interested party may appeal to the county court against an order of the court under this Article.

- (9) In this Article "interested party" means—
- (a) the holder of the safety certificate;
  - (b) any other person who is or may be concerned in ensuring compliance with the terms and conditions of the safety certificate;
  - (c) the Chief Constable; or
  - (d) the Fire Authority.

### **Special procedure in case of serious risk: prohibition notices**

9.—(1) If the council is of the opinion that the admission of spectators to a sports ground or any part of a sports ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted, the council may serve a notice (a "prohibition notice") on such persons as are specified in paragraph (6).

- (2) A prohibition notice shall—
- (a) state that the council is of that opinion;
  - (b) specify the matters which in its opinion give or, as the case may be, will give rise to that risk; and
  - (c) direct that no, or no more than a specified number of, spectators shall be admitted to, or to a specified part of, the sports ground until the specified matters have been remedied.

(3) A prohibition notice may prohibit or restrict the admission of spectators generally or on a specified occasion.

(4) A prohibition notice may include directions as to the steps which will have to be taken to reduce the risk to a reasonable level and these may require alterations or additions to the ground or things to be done or omitted which would contravene the terms or conditions of a safety certificate for the ground or of a safety certificate under Part III for any stand at the ground.

(5) No prohibition notice shall include directions compliance with which would require the provision of the services at the sports ground of any police officers unless the Chief Constable has consented to their inclusion and the extent of the provision of such services is reserved for his determination.

(6) A prohibition notice shall be served on the persons specified in the following sub-paragraphs in the circumstances specified in those sub-paragraphs—

- (a) if a general safety certificate is in operation for the ground, on the holder of it;
- (b) if the prohibition or restriction applies to an occasion in respect of which a special safety certificate for the ground is in operation, on the holder of it;
- (c) if—
  - (i) no safety certificate is in operation for the ground; or
  - (ii) for any reason it is not possible to serve notice as mentioned in sub-paragraph (a) or (b),  
on the person who appears to the council to be responsible for the management of the ground;
- (d) if the prohibition or restriction applies to an occasion and no safety certificate is in operation for the ground, on each person who appears to the council to be responsible for organising an activity at the ground on that occasion;
- (e) if a general safety certificate under Part III is in operation for a stand at the ground, on the holder of it;
- (f) if the prohibition or restriction applies to an occasion in respect of which a special safety certificate under Part III for a stand at the ground is in operation, on the holder of it;

but the validity of a prohibition notice served on any person under any of the foregoing provisions shall not be affected by a failure to serve another person required to be served with such a notice under those provisions.

(7) A prohibition or restriction contained in a prohibition notice shall take effect—

- (a) immediately it is served, if the council is of the opinion, and so states in the notice, that the risk to spectators is or, as the case may be, will be imminent;
- (b) in any other case, at the end of a period specified in the notice.

(8) The council shall send a copy of any prohibition notice to the Chief Constable and the Fire Authority.

(9) The council which has served a prohibition notice may, in any case where it appears appropriate to it to do so, amend the prohibition notice by notice served on the persons specified in paragraph (6) (subject to the saving in that paragraph).

(10) The council shall send a copy of any notice under paragraph (9) to the Chief Constable and the Fire Authority.

(11) A notice under paragraph (9) amending a prohibition notice shall specify the date on which the amendment is to come into operation.

(12) Where a notice has been served under paragraph (1) or (9) the council may withdraw the notice at any time.

### **Appeals against prohibition notices**

**10.—**(1) Any person on whom a prohibition notice is required to be served under Article 9(6) may appeal to the court against the notice.

(2) Any person on whom notice of any amendment of a prohibition notice is required to be served under Article 9(9) may appeal to the court against the amendment.

(3) Any appeal to the court under this Article shall be brought—

- (a) in accordance with Part VII of the [Magistrates' Courts \(Northern Ireland\) Order 1981 \(NI 26\)](#); and

(b) within the period prescribed under Article 19(1)(c).

(4) On an appeal under this Article, the court may either cancel or affirm the notice or (as the case may be) the amendment; and, if it affirms the notice or the amendment, may do so either in its original form or with such modifications as the court may in the circumstances think fit.

(5) Where an appeal is brought under this Article against a prohibition notice or an amendment of it, the bringing of the appeal shall not have the effect of suspending the operation of the notice or the notice as amended, as the case may be.

(6) Any of the following persons may appeal to the county court against an order of the court under this Article—

- (a) any person aggrieved by the notice;
- (b) the council;
- (c) the Chief Constable;
- (d) the Fire Authority.

## Offences

11.—(1) Subject to paragraphs (4) and (5) if—

- (a) spectators are admitted to a designated sports ground after the date on which the designation order relating to it comes into operation but at a time when no application for a general safety certificate in respect of it has been made or such an application has been made but has been withdrawn or is deemed to have been withdrawn; or
- (b) when a general safety certificate is in operation in respect of a sports ground spectators are admitted to the sports ground on an occasion when it is used for an activity to which neither the general certificate nor a special safety certificate relates; or
- (c) spectators are admitted to a designated sports ground on an occasion when, following the surrender or cancellation of a safety certificate, no safety certificate is in operation in respect of that sports ground; or
- (d) any term or condition of a safety certificate is contravened otherwise than in pursuance of a prohibition notice; or
- (e) spectators are admitted to a sports ground in contravention of a prohibition notice,

any responsible person and, if a safety certificate is in operation, the holder of the certificate, shall be guilty of an offence.

(2) In paragraph (1) “responsible person” means a person who is concerned in the management of the sports ground in question or the organisation of any activity taking place there at the time when an offence is alleged to have been committed.

(3) A person guilty of an offence under paragraph (1) shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) Paragraph (1)(b) does not apply if—

- (a) the activity for which the sports ground is used is an entertainment to which paragraph 2 of Schedule 1 to the [Local Government \(Miscellaneous Provisions\) \(Northern Ireland\) Order 1985 \(NI 15\)](#) applies (outdoor musical events); and
- (b) a licence under that paragraph is in force in respect of the provision of that entertainment at the sports ground.

(5) Where any person is charged with an offence under paragraph (1) it shall be a defence to prove—

- (a) that the spectators were admitted or the contravention of the certificate or prohibition notice in question 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 by himself or any person under his control.

(6) Any person who—

- (a) without reasonable excuse, refuses, neglects or otherwise fails to comply with a requirement under Article 4(4)(b) within the time specified by the Department; or
- (b) in purporting to carry out such a requirement, or a requirement under Article 6(4), or for the purpose of procuring a safety certificate or the amendment, replacement or transfer of a safety certificate, knowingly or recklessly—

- (i) makes a false statement; or

- (ii) produces, furnishes, signs or otherwise makes use of a document containing a false statement,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.