

POLICY NOTE

THE FOOTBALL BANNING ORDERS (REGULATED FOOTBALL MATCHES) (SCOTLAND) ORDER 2013

SSI 2013/228

The above instrument is made by Scottish Ministers in exercise of the powers conferred by section 55(4) of the Police, Public Order and Criminal Justice (Scotland) Act 2006, and all other powers enabling them to do so.

Policy Objectives

This Order is made in consequence of Scottish football league reconstruction. Scottish football clubs voted on 27 June 2013 in favour of the amalgamation of the Scottish Premier League and the Scottish Football League to form the Scottish Professional Football League. The immediate effect of that vote was for members of the Scottish Football League to become members of the Scottish Premier League. The Scottish Premier League then applied to change its name to the Scottish Professional Football League and that name change has now taken place.

The process of league reconstruction has implications for section 55(3) of the Police, Public Order and Criminal Justice (Scotland) Act 2006, which defines ‘regulated football matches’ for the purposes of Football Banning Orders and the offence of ‘offensive behaviour at regulated football matches’ (section 1 of the Offensive Behaviour and Threatening Communications (Scotland) Act 2012).

The current definition of ‘regulated football matches’ include matches where one or both of the participating teams “represents a club which is for the time being a member of the Scottish Premier League or the Scottish Football League”. As a consequence of league reconstruction, that definition requires to be changed to refer to the Scottish Professional Football League to ensure that the law continues to apply to Scottish football clubs in membership of the Scottish Professional Football League in the same way as it has applied to them as members of the Scottish Premier League and the Scottish Football League.

Financial Effects and Other Impacts

This instrument is intended to ensure continuity of application of the law, so that the law continues to impact on Scottish football clubs after league reconstruction in the same way as it has done beforehand. As there is no change in substance in the application of the law, no Business and Regulatory Impact Assessment or Strategic Environmental Assessment is required.

Scottish Government
Community Safety Directorate
July 2013