

Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2005 No. (N.I.)

NORTHERN IRELAND

The Safety of Sports Grounds (Northern Ireland) Order 2005

*Made - - - - 2005
Coming into operation in accordance with Article 1(2)
and (3)*

At the Court at Buckingham Palace, the ** day of ** 2005

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Safety of Sports Grounds (Northern Ireland) Order 2005.

(2) Subject to paragraph (3), this Order comes into operation on such day or days as the Department may by order appoint.

(3) The following provisions come into operation on the expiration of one month from the day on which this Order is made—

- (a) this Part;
- (b) Article 3;
- (c) Articles 9 to 12;

- (d) Article 19; and
- (e) Articles 22 to 27.

Interpretation

2.—(1) Subject to paragraph (4), the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“the court”, in relation to any premises, means a court of summary jurisdiction acting for the petty sessions district in which the premises are situated;

“the Department” means the Department of Culture, Arts and Leisure;

“council” means a district council

“the Fire Authority” means the Fire Authority for Northern Ireland;

“notice” means notice in writing;

“safety” does not include safety from danger inherent in participation in a sporting or competitive activity,

“sports ground” means any place where—

- (a) sports or other competitive activities take place in the open air (or would take place in the open air but for the closing of any retractable roof); and
- (b) accommodation has been provided for spectators, consisting of artificial structures or of natural structures artificially modified for the purpose.

(3) The Department may by order amend the definition of “sports ground” in paragraph (2).

(4) For the purposes of this Order, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies with the omission of the words “the liability of whose members is limited” and where the affairs of a body corporate are managed by its members, applies in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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

(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

PART III

SAFETY OF STANDS AT OTHER SPORTS GROUNDS

Interpretation of Part III

12.—(1) In this Part—

“final”, in relation to a determination, is to be construed in accordance with Article 15;

“general safety certificate” means such a safety certificate for a stand as is mentioned in Article 13(9)(a);

“regulated stand” has the meaning assigned to it by Article 13(4);

“special safety certificate” means such a safety certificate for a stand as is mentioned in Article 13(9)(b);

“stand” has the meaning given in paragraphs (2) and (3);

“safety certificate” means a certificate under this Part

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

(2) In this Part “stand”, in relation to a sports ground, means a permanent artificial structure which—

- (a) provides accommodation for spectators and is wholly or partly covered by a roof; or
- (b) provides seated accommodation for spectators.

(3) For the purposes of paragraph (2) an artificial stand shall be taken to be permanent—

- (a) if it is in place for more than 28 days;
- (b) notwithstanding that it is demountable.

Safety certificates for stands at sports grounds which are not designated under Part II

13.—(1) This Part applies in relation to a sports ground which—

- (a) provides accommodation in stands for spectators, and
- (b) is not a designated sports ground.

(2) A safety certificate is required in respect of the use, at a sports ground in relation to which this Part applies, of each stand which provides accommodation for 500 or more spectators to view activities at the ground; but one certificate may be issued in respect of several such stands.

(3) The Department may by order amend paragraph (2) by substituting a smaller number for the number for the time being specified in it.

(4) A stand in respect of the use of which a safety certificate under this Part is required is referred to in this Part as a “regulated stand”.

(5) It shall be the function of the council—

- (a) to determine whether any, and if so, which of the stands at a sports ground in its district is a regulated stand; and
- (b) to issue safety certificates.

(6) In determining whether any stand at a sports ground in its district is a regulated stand the council may apply any criteria which are appropriate for that purpose.

(7) In discharging their function of determination as respects the stands at sports grounds in their districts, councils shall act in accordance with such guidance as the Department may give them.

(8) A final determination of a council that a stand at a sports ground is a regulated stand shall be conclusive of the question subject only to an appeal under Article 17.

(9) A safety certificate in respect of the use of a regulated stand at a sports ground may be either—

- (a) a certificate in respect of the use of the stand for viewing 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 in respect of the use of the stand for viewing an activity or a number of activities specified in the certificate on an occasion or series of occasions so specified; and any reference in this Order to a safety certificate's being "for" a stand is a reference to its covering the use of the stand for viewing an activity or activities during an indefinite period or, as the case may be, on an occasion or occasions.

Contents of safety certificates for stands

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

(2) In so far as an order under Article 25 so requires as respects any class of stand at sports grounds, 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 in or in the vicinity of the stand 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 for a regulated stand may include a condition that records shall be kept—

- (a) of the number of spectators accommodated in the stand; and
- (b) relating to the maintenance of safety in the stand.

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

(6) A safety certificate for a regulated stand at a sports ground may include different terms and conditions in relation to different activities taking place at the ground.

(7) Nothing in a safety certificate for a regulated stand at a sports ground shall derogate from any requirements imposed by regulations under Article 19(2).

Issue of certificates

15.—(1) For the purposes of this Part, the following persons qualify for the issue of a safety certificate for a regulated stand at a sports ground—

- (a) the person who qualifies for the issue of a general safety certificate is the person who is responsible for the management of the ground; and
- (b) the person who qualifies for the issue of a special safety certificate for viewing an activity from the stand on any occasion is the person who is responsible for organising that activity.

(2) The council for a district shall, in respect of any stand at a sports ground in its district which appears to it to be a regulated stand, make a preliminary determination whether or not that stand is a regulated stand

(3) If the council determines under paragraph (2) that a stand is a regulated stand, the council shall serve a notice on the person who appears to it to qualify for the issue of a general safety certificate stating the council's determination and the effects of it.

(4) Subject to paragraphs (5)(a) and (6), a preliminary determination that a stand at a sports ground is a regulated stand shall become final at the end of the period of two months beginning with the date of the notice under paragraph (3).

- (5) A council may revoke its determination that a stand at a sports ground is a regulated stand—
- (a) at any time before it becomes final; or
 - (b) (whether or not it has become final) on considering an application for a general safety certificate for the stand.
- (6) A council may, at any time before its determination that a stand at a sports ground is a regulated stand becomes final, withdraw the notice under paragraph (3) and serve a further notice under that paragraph on another person; and if it does so the period of two months at the end of which the determination becomes final shall be treated as beginning with the date of the further notice.
- (7) If a council receives an application for a general safety certificate for a regulated stand at a sports ground in its district, it shall—
- (a) if it has not already done so, determine whether the stand is a regulated stand and, if it determines that it is, determine whether the applicant is the person who qualifies for the issue of the general safety certificate for it;
 - (b) if it has made a determination that the stand is a regulated stand and does not decide to revoke it, determine whether the applicant is the person who qualifies for the issue of the general safety certificate for it.
- (8) If the council, on an application under paragraph (7) in relation to a stand which it has determined or determines is a regulated stand, determines that the applicant is the person who qualifies for the issue of the general safety certificate it shall (if no such certificate is in operation) issue to him such a certificate.
- (9) If a council receives an application for a special safety certificate for a regulated stand at a sports ground in its district as respects which stand a general safety certificate is in operation, it shall determine whether the applicant qualifies for the issue of a special safety certificate for it and, if it determines that he does, it may issue to him a special safety certificate.
- (10) The council shall, if it determines that an applicant for a safety certificate does not qualify for the issue of the certificate, serve on him a notice stating its determination.
- (11) The council shall—
- (a) send a copy of an application for a safety certificate for a regulated stand 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.
- (12) 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 of the ground as it considers necessary for the purpose of discharging its functions in respect of the issue of safety certificates for the regulated stands at the ground
- (13) If an applicant for a safety certificate fails to comply with a requirement under paragraph (12) 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, cancellation, transfer or surrender of certificates

- 16.—**(1) The council which has issued a safety certificate for a regulated stand at a sports ground—
- (a) shall, if at any time it appears to the council that the stand in respect of which it was issued is not or has ceased to be a regulated stand, revoke their previous determination and, by notice to its holder, cancel the certificate;
 - (b) may, in any case where it appears appropriate to the council to do so, amend the certificate by notice to its holder; or

- (c) may replace the certificate.
- (2) A safety certificate may be cancelled, amended or replaced under paragraph (1) either on the application of the holder or without such an application.
- (3) Article 14 shall apply on the amendment or replacement of a safety certificate.
- (4) A notice under paragraph (1)(b) 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 for a regulated stand from the holder to some other person, the council—
- (a) shall determine whether that person would, if he made an application for the purpose, qualify for the issue of the certificate; and
 - (b) if it determines that he would, may transfer the certificate to him.
- (6) The council shall give notice of its determination under paragraph (5) to the person in question.
- (7) An application under paragraph (5) may be made either by the holder of the safety certificate or by the person to whom it is proposed that it should be transferred.
- (8) The council shall send a copy of an application for the transfer of a safety certificate for a regulated stand to the Chief Constable and the Fire Authority.
- (9) The council shall consult the Chief Constable and the Fire Authority about any proposal to amend, replace or transfer a safety certificate.
- (10) The holder of a safety certificate may surrender it to the council, and it shall thereupon cease to have effect.
- (11) The council may cancel a safety certificate if the holder dies or (if a body corporate) is dissolved

Appeals

- 17.—**(1) A person who has been served with a notice of a determination, which is or has become a final determination of a council, that any stand at a sports ground is a regulated stand may appeal against the determination to the court.
- (2) Any person who, on an application for the issue or transfer to him of a safety certificate for a regulated stand at a sports ground, has been served with a notice of the determination of a council that he does not or, in the case of an application for a transfer, would not qualify for the issue of the certificate may appeal against the determination to the court.
- (3) An applicant for a special safety certificate for a regulated stand at a sports ground may also appeal to the court against a refusal of his application on grounds other than a determination that he does not qualify for the issue of the certificate.
- (4) An interested party may appeal to the court against—
- (a) the inclusion of anything in, or the omission of anything from, a safety certificate for a regulated stand at a sports ground; or
 - (b) the refusal of the council to amend or replace a safety certificate for a regulated stand at a sports ground.
- (5) 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).
- (6) In this Article “interested party”, in relation to a safety certificate, means—

- (a) the holder of the certificate;
- (b) any other person who is or may be concerned in ensuring compliance with the terms and conditions of the certificate;
- (c) the Chief Constable; and
- (d) the Fire Authority.

(7) Subject to paragraph (8), if a council serves on any applicant for a safety certificate a notice of its determination that he does not qualify for the issue of the certificate, he shall be deemed to have withdrawn his application on the expiry of the period within which an appeal must, by virtue of paragraph (5)(b), be brought.

(8) Paragraph (7) shall not have effect if an appeal is brought before the expiry of the period referred to in that paragraph, 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 order on the appeal.

(9) 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.

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

Offences

18.—(1) Subject to paragraphs (4) to (6), if—

- (a) spectators are admitted to a regulated stand at a sports ground on an occasion when no safety certificate which covers their use of the stand is in operation for it, or
- (b) any term or condition of a safety certificate for a regulated stand at a sports ground is contravened,

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 the person who is concerned in the management of the sports ground or of the regulated stand in question or in the organisation of any activity taking place at the ground 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) No offence under paragraph (1)(a) is committed if—

- (a) the determination that the stand is a regulated stand is not a final one, or
- (b) an application has been made for a general safety certificate for the stand and has not been withdrawn or deemed to have been withdrawn; or
- (c) spectators are admitted to the stand in connection with 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 a licence under that paragraph is in force in respect of the provision of that entertainment at the sports ground in question.

(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 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) Where any person is charged as a responsible person with an offence under paragraph (1)(a) it shall be a defence to prove that he did not know of the determination that the stand in relation to which the offence is alleged to have been committed is a regulated stand.
- (7) Any person who in purporting to carry out a requirement under Article 15(12) or for the purpose of procuring a safety certificate or the cancellation, amendment, replacement or transfer of a safety certificate knowingly or recklessly
- (a) makes a false statement; or
 - (b) 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

PART IV

GENERAL AND SUPPLEMENTARY

Power to make regulations

- 19.—(1) The Department may by regulations—
- (a) prescribe the procedure (subject to the provisions of this Order) for the issue, amendment, replacement, transfer and cancellation of safety certificates under Parts II and III and the particulars to be given in applications for their issue, amendment, replacement or transfer;
 - (b) prescribe the fees (if any) to be charged in respect of such applications or in respect of applications for the cancellation of safety certificates under Part III for stands which have ceased to be regulated stands; and
 - (c) prescribe the time within which appeals under Articles 8, 10 and 17 are to be brought.
- (2) The Department may by regulations make provision for securing safety at sports grounds.
- (3) Regulations under paragraph (2) may provide, without prejudice to its generality, that records shall be kept—
- (a) of the attendance of spectators at sports grounds; and
 - (b) relating to the maintenance of safety at sports grounds.
- (4) Regulations under paragraph (2)—
- (a) may provide that a breach of the regulations shall be an offence punishable as provided by the regulations, but
 - (b) shall not provide that a person guilty of such an offence shall be liable to punishments greater than those specified in Article 11(3).

Alterations and extensions

- 20.—(1) If while a general safety certificate under Part II is in operation with respect to a sports ground—
- (a) it is proposed to alter or extend that sports ground or any of its installations; and
 - (b) the alteration or extension is likely to affect the safety of persons at the sports ground,

the holder of the certificate shall, before the carrying out of the proposals is begun, give notice of the proposals to the council.

(2) If while a general safety certificate under Part III is in operation with respect to a regulated stand

- (a) it is proposed to alter or extend the stand or any of its installations; and
- (b) the alteration or extension is likely to affect the safety of persons in the stand,

the holder of the certificate shall, before the carrying out of the proposals is begun, give notice of the proposals to the council.

(3) In particular—

- (a) paragraph (1) requires notice when it is proposed to alter the entrances to or exits from a sports ground or any part of it (including any means of escape in case of fire or other emergency) or the means of access to any such entrances or exits; and
- (b) paragraph (2) requires notice when it is proposed to alter the entrances to or exits from a regulated stand (including any means of escape in case of fire or other emergency) or the means of access to any such entrances or exits.

(4) Any person who fails to give notice required by this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding

(5) In this Article “means of access” includes means of access from a road.

Exclusion of other statutory requirements

21.—(1) While a general safety certificate under Part II is in force in relation to a sports ground, the relevant statutory provisions shall not apply to it.

(2) While a general safety certificate under Part III is in force for a regulated stand at a sports ground, the relevant statutory provisions shall not apply to it

(3) For the purposes of paragraphs (1) and (2), the relevant statutory provisions are—

- (a) section 37(1) of the Public Health Acts Amendment Act 1890 (c. 59) (platforms for public occasions);
- (b) any provision of the [Fire Services \(Northern Ireland\) Order 1984 \(NI 11\)](#) or of a fire certificate issued under that Order in so far as it relates to any matter in relation to which requirements are imposed by the terms and conditions of the safety certificate; and
- (c) any provision of a local Act in so far as it relates to any matter in relation to which requirements are imposed by those terms and conditions.

(4) Paragraph (5) applies where—

- (a) a statutory provision provides for the licensing of premises of any class or description by reason of the use of such premises (“the relevant use”); and
- (b) the authority responsible for licences under that provision is required or authorised to impose terms, conditions or restrictions in connection with such licences.

(5) So long as there is in operation with respect to the premises a safety certificate under Part II or III covering the relevant use of the premises, any term, condition or restriction imposed with respect to those premises in connection with any licence under the statutory provision in question shall be of no effect in so far as it relates to any matter in relation to which requirements are imposed by the terms and conditions of that certificate

(6) A person required by or under a local Act to do anything that would involve a contravention of the terms or conditions of a safety certificate under Part II or III shall not be treated as having contravened that Act if he fails to do it.

Enforcement

22.—(1) It shall be the duty of every council to enforce within its district the provisions of this Order and of regulations made under it and for that purpose to arrange for the inspection at least once in every 12 months of—

- (a) designated sports grounds; and
- (b) other sports grounds at which there are regulated stands.

(2) In performing the duty under paragraph (1) so far as it requires sports grounds in their districts to be inspected, councils shall act in accordance with such guidance as the Department may give them.

Powers of entry and inspection

23.—(1) An authorised person may, on production if so required of his authority, enter a sports ground at any reasonable time, and—

- (a) make such inspection of it and such inquiries relating to it as he considers necessary for the purposes of Part II, and in particular may—
 - (i) examine records of attendance at the ground and records relating to the maintenance of safety at the ground; and
 - (ii) take copies of such records;
- (b) make such inspection of the stands and such inquiries relating to them as he considers necessary for the purposes of Part III, and in particular may—
 - (i) examine records of the number of spectators accommodated, and the maintenance of safety, in the regulated stands at the ground; and
 - (ii) take copies of such records.

(2) In paragraph (1) “authorised” means authorised by—

- (a) the council;
- (b) the Chief Constable;
- (c) the Fire Authority; or
- (d) the Department.

(3) Any person who—

- (a) intentionally obstructs any person in the exercise of powers under this Article; or
- (b) without reasonable excuse refuses, neglects or otherwise fails to answer any question asked by any person in the exercise of such powers,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding

Civil liability

24. Except in so far as this Order otherwise expressly provides, and subject to section 20(1) of the Interpretation Act (Northern Ireland) 1954 (c. 33) (offences under two or more laws), the provisions of this Order shall not be construed as—

- (a) conferring a right of action in any civil proceedings (other than proceedings for the recovery of a fine) in respect of any contravention of this Order or of any regulations made under this Order or of any of the terms or conditions of a safety certificate under Part II or III; or
- (b) affecting any requirement or restriction imposed by or under any other statutory provision; or

- (c) derogating from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Order.

Power to modify this Order

- 25.**—(1) The Department may by order—
- (a) modify the provisions of Part II (except Article 4(1)) or this Part as respects their application to any specified class of sports ground;
 - (b) modify the provisions of Part III or this Part as respects their application to any specified class of stand at sports grounds.
- (2) An order under this Article may make different provisions in relation to different activities taking place at sports grounds.

Application to the Crown

- 26.**—(1) Articles 4 to 7, 13 to 16 and 19(2) bind the Crown, but shall have effect, in relation to premises occupied by the Crown, with the substitution of a reference to the Department for any reference to the council.
- (2) Nothing in this Order shall be taken to authorise the entry of premises occupied by the Crown.

Orders and regulations

- 27.**—(1) Orders and regulations made by the Department under this Order—
- (a) shall be subject to negative resolution; and
 - (b) may contain such incidental, supplementary, consequential and transitional provisions as the Department thinks necessary or expedient.
- (2) Before making any order or regulations under this Order, the Department shall consult with such persons or bodies as appear to it appropriate.
- (3) Paragraphs (1)(a) and (2) do not apply to an order under Article 1(2).

A.K. Galloway
Clerk of the Privy Council

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, No. 313

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for safety at sports grounds. Part II provides for the issue of safety certificates in respect of designated sports grounds. Part III provides for the issue of safety certificates in respect of certain stands at other sports grounds.