



Football Spectators Act 1989

1989 CHAPTER 37

[^{F1}PART II

REGULATED FOOTBALL MATCHES]

Relevant offences outside England and Wales

22 Restriction orders arising out of offences outside England and Wales.

(1) Her Majesty may, by Order in Council, specify offences (“corresponding offences”) under the law of any country outside England and Wales which appear to Her to correspond to any offence [^{F1}to which Schedule 1 to this Act applies].

[^{F2}(1A) For the purposes of subsection (1) above, an offence specified in an Order in Council under that subsection shall be regarded as corresponding to an offence [^{F1}to which Schedule 1 to this Act applies] notwithstanding that any period specified in the Order is longer than any corresponding period specified in that Schedule.]

(2) Upon an information being laid before a justice of the peace ^{F3}... that a person ^{F4}... has been convicted of a corresponding offence in a country outside England and Wales, the justice may—

- (a) issue a summons directed to that person requiring him to appear before a magistrates’ court ^{F5}... to answer to the information; or
- (b) subject to subsection (3) below, issue a warrant to arrest that person and bring him before a magistrates’ court ^{F5}....

(3) No warrant shall be issued under subsection (2) above unless the information is in writing and substantiated on oath.

(4) Where a person appears or is brought before a magistrates’ court in pursuance of subsection (2) above, the court, if satisfied that—

- (a) he is ordinarily resident in England and Wales, and
- (b) has been convicted in the country outside England and Wales of the corresponding offence,

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[^{F6}must make a banning order in relation to the person, unless subsection (5) applies.]

[^{F7}(5) This subsection applies if—

- (a) it appears to the court that the conviction of the corresponding offence in a country outside England and Wales is the subject of proceedings in a court of law in that country questioning the conviction, or
- (b) the court considers that there are particular circumstances relating to the corresponding offence or to the person which would make it unjust in all the circumstances to make a banning order.

(5A) Where the court does not make a banning order on the ground mentioned in subsection (5)(b) it must state in open court the reasons for not doing so.]

(6) In proceedings under subsection (4) above, the court shall have the like powers, including power to adjourn the proceedings and meanwhile to remand the defendant on bail (but not in custody), and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were the trial of an information for a summary offence.

(7) Any person aggrieved by the decision of a magistrates' court making [^{F8}a banning order] under this section may appeal to the Crown Court against the decision.

^{F9}[(8) Sections 14E to 14J and 18 to 21 shall apply in relation to a person subject to a banning order under this section as they apply in relation to a person subject to a banning order made by a magistrates' court under section 14A.]

[^{F10}(9) An Order in Council under subsection (1) above relating to any country may include provision specifying the documentary form in which details are to be given of—

- (a) the conviction of a person in that country of a corresponding offence,
- (b) the nature and circumstances of the offence, and
- (c) whether or not the conviction is the subject of proceedings in that country questioning it.

(10) A document in the form so specified—

- (a) shall be admissible in any proceedings under this Part of this Act as evidence of the facts stated in it unless the contrary is proved, and
- (b) shall be taken as such a document unless the contrary is proved.

(11) In proceedings against a person under this section, the facts stated in a document in the form so specified shall, on production of the document and proof that that person is the person whose conviction is set out in the document, be taken to be proved unless the contrary is proved.]

(12) Any statutory instrument containing an Order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F1** Words in s. 22(1)(1A) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 17(a)**; S.I. 2000/2125, **art. 2**
- F2** S. 22(1A) inserted (27.9.1999) by 1999 c. 21, **ss. 5(2), 12(2)** (with s. 12(3))
- F3** Words in s. 22(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 335(a)**, **Sch. 10**; S.I. 2005/910, **art. 3(y)**

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- F4** Words in s. 22(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 335(b), **Sch. 10**; S.I. 2005/910, art. 3(y)
- F5** Words in s. 22(2) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 335(c), **Sch. 10**; S.I. 2005/910, art. 3(y)
- F6** Words in s. 22(4) substituted (29.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 192(3), 208(1)** (with s. 192(5)); S.I. 2022/520, reg. 6(b)
- F7** S. 22(5)(5A) substituted (29.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 192(4), 208(1)** (with s. 192(5)); S.I. 2022/520, reg. 6(b)
- F8** Words in s. 22 substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 10**; S.I. 2000/2125, **art. 2**
- F9** S. 22(8) substituted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 17(b)**; S.I. 2000/2125, **art. 2**
- F10** S. 22(9)-(11) substituted (27.9.1999) by 1999 c. 21, **ss. 5(5), 12(2)** (with s. 12(3))

^{F11}[22A Other interpretation, etc.

(1) In this Part—

“British citizen” has the same meaning as in the ^{M1}British Nationality Act 1981,

“country” includes territory,

^{F12}...

“enforcing authority” means a prescribed organisation established by the Secretary of State under section 57 of the ^{M2}Police Act 1996 (central police organisations),

“passport” means a United Kingdom passport within the meaning of the ^{M3}Immigration Act 1971,

“prescribed” means prescribed by an order made by the Secretary of State.

^{F13}...

(2) The Secretary of State may, if he considers it necessary or expedient to do so in order to secure the effective enforcement of this Part, by order provide for section 14(5) and (6) above to have effect in relation to any, or any description of, regulated football match or external tournament as if, for any reference to five days, there were substituted a reference to the number of days (not exceeding ten) specified in the order.

(3) Any power of the Secretary of State to make an order [^{F14}or regulations] under this Part is exercisable by statutory instrument.

[An order or regulations under this Part—

- ^{F15}(3A) (a) may make different provision for different purposes;
- (b) may make consequential, supplementary, incidental, transitional, transitory or saving provision.]

(4) An instrument containing an order made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F11** S. 22A inserted (28.8.2000) by 2000 c. 25, s. 1(2), **Sch. 2 para. 18**; S.I. 2000/2125, **art. 2**
- F12** Words in s. 22A(1) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), s. 66(2), **Sch. 5**; S.I. 2007/858, art. 2(n)(v)
- F13** Words in s. 22A(1) omitted (21.1.2011) by virtue of Identity Documents Act 2010 (c. 40), s. 14(2), **Sch. para. 5**

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F14 Words in s. 22A(3) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 191(3), 208(4)(z)**

F15 S. 22A(3A) inserted (28.4.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 191(4), 208(4)(z)**

Marginal Citations

M1 1981 c. 61.

M2 1996 c. 16.

M3 1971 c. 77.

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