



Football Spectators Act 1989

1989 CHAPTER 37

PART II

FOOTBALL MATCHES OUTSIDE ENGLAND AND WALES

Preliminary

14 Scope and interpretation of this Part

- (1) This Part of this Act applies in relation to football matches played in any country outside England and Wales which are designated football matches and the following provisions have effect for its interpretation.
- (2) “Designated football match” means any such match of a description for the time being designated for the purposes of this Part by order made by the Secretary of State or a particular such match so designated.
- (3) The power to make orders under subsection (2) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A “restriction order” means an order of a court under section 15 or 22 below requiring the person to whom the order applies to report to a police station on the occasion of designated football matches.
- (5) The offences “relevant” for the making by a court of a restriction order are those specified in Schedule 1 to this Act as relevant offences (with or, as the case may be, without a declaration of relevance).
- (6) In the application of Schedule 1 to this Act for the purposes of this Part of this Act the references in that Schedule to designated football matches are references to football matches designated for the purposes of Part I of this Act except that in paragraphs (h), (i), (k) and (l) they include references to football matches designated under subsection (2) above; and section 1(8) above applies for the interpretation of references to periods relevant to designated football matches.

Status: This is the original version (as it was originally enacted).

- (7) The “enforcing authority” means such organisation established by the Secretary of State under section 41 of the Police Act 1964 (common services organisations) as the Secretary of State designates for the purposes of this Part of this Act by order made by statutory instrument.
- (8) An order under subsection (2) above may, in relation to any description of football match or any particular football match specified in the order, direct that reporting is obligatory for all persons subject to restriction orders or that reporting is obligatory only for such persons subject to restriction orders as are required to report under section 19(3)(b) below.
- (9) In this Part of this Act—
 “country” includes territory;
 “declaration of relevance”, in relation to an offence, means a declaration that the offence related to football matches; and
 “imprisonment” includes any form of detention (or, in the case of a person under twenty-one years of age sentenced to custody for life, custody),
 “prison” includes any place where a person is detained or in such custody and
 “discharge” from prison does not include temporary discharge.

Restriction orders

15 Restriction orders

- (1) A court by or before which a person is convicted of a relevant offence or, if a person convicted of such an offence is committed to it to be dealt with, the Crown Court on dealing with him for the offence, may make a restriction order in relation to him.
- (2) No restriction order may be made unless the court is satisfied that making such an order in relation to the accused would help to prevent violence or disorder at or in connection with designated football matches.
- (3) A restriction order may only be made—
 (a) in addition to a sentence imposed in respect of the offence of which the accused is (or was) convicted; or
 (b) in addition to a probation order.
- (4) A restriction order may be made as mentioned in subsection (3)(b) above notwithstanding anything in sections 2 and 13 of the Powers of Criminal Courts Act 1973 (which relate to probation orders).
- (5) A restriction order shall specify the police station in England or Wales at which the person subject to the order is to report initially.
- (6) The court shall, on making the order in relation to the accused, explain its effect to him in ordinary language.
- (7) In section 10(3) of the Criminal Appeal Act 1968 (appeals against sentence by Crown Court), in paragraph (c), after sub-paragraph (iii) there shall be inserted “or
 (iv) a restriction order under section 15 of the Football Spectators Act 1989;”.

16 Effect of order

- (1) Subject to subsection (3) below and section 17 below, the period for which a restriction order has effect in relation to a person convicted of a relevant offence is—
 - (a) in a case where he was sentenced in respect of that offence to a period of imprisonment taking immediate effect, five years, and
 - (b) in any other case, two years,
beginning with the date of the making of the order.
- (2) The duty to report imposed by a restriction order on the person subject to the order is a duty—
 - (a) to report initially to the police station specified in the order within the period of five days beginning with the date of the making of the order, and
 - (b) subject to any exemption, to report on the occasion of designated football matches when required to do so under section 19(3)(b) below to any police station in England or Wales at the time or between the times specified in the notice by which the requirement is imposed.
- (3) The duty to report shall, in the case of a person sentenced to or serving a term of imprisonment, be suspended until his discharge from prison and the order shall have effect, if he is discharged more than five days before the expiry of the period for which the order has effect and he was precluded by his being in prison from reporting initially, as if it required him to report initially to any police station within the period of five days beginning with the date of his discharge.
- (4) A person who, without reasonable excuse, fails to comply with the duty to report imposed by a restriction order commits an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or to both.

17 Application to terminate restriction order

- (1) A person in relation to whom a restriction order has had effect for at least one year may apply to the court by which it was made to terminate it.
- (2) On such an application the court may, having regard to the person's character, his conduct since the order was made, the nature of the offence which led to it and any other circumstances of the case, either by order terminate the restriction order (as from a date specified in the terminating order) or refuse the application.
- (3) Where an application under this section is refused, a further application in respect of the restriction order shall not be entertained if made within the period of six months beginning with the day of the refusal.
- (4) The court may order the applicant to pay all or any part of the costs of an application under this section.
- (5) In the case of a restriction order made by a magistrates' court, the reference in subsection (1) above to the court by which it was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.
- (6) Section 63(2) of the Magistrates' Courts Act 1980 (power to suspend or rescind orders) does not apply to a restriction order.

18 Information

- (1) Where a court makes a restriction order, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
 - (a) shall give a copy of it to the person to whom it relates;
 - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority;
 - (c) shall (as soon as reasonably practicable) send a copy of it to the police station (addressed to the officer responsible for the police station) at which the person subject to the order is to report initially; and
 - (d) in a case where the person subject to the order is sentenced by the court to or is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of it to the governor of the prison or other person to whose custody he will be committed or in whose custody he is, as the case may be.
- (2) Where a court terminates a restriction order under section 17 above, the clerk of the court (in the case of a magistrates' court) or the appropriate officer (in the case of the Crown Court)—
 - (a) shall give a copy of the terminating order to the person to whom the restriction order relates;
 - (b) shall (as soon as reasonably practicable) send a copy of it to the enforcing authority; and
 - (c) in a case where the person subject to the restriction order is serving a term of imprisonment, shall (as soon as reasonably practicable) send a copy of the terminating order to the governor of the prison or other person in whose custody he is, as the case may be.
- (3) Where a person subject to a restriction order is discharged from prison and, in the case of a person who has not reported initially to a police station, is discharged more than five days before the expiry of the restriction order, the governor of the prison or person in whose custody he is, as the case may be, shall (as soon as reasonably practicable) give notice of his discharge to the enforcing authority.
- (4) References in this section to the clerk of a magistrates' court shall be construed in accordance with section 141 of the Magistrates' Courts Act 1980, reading references to that Act as references to this section.

Reporting

19 Functions of enforcing authority and local police

- (1) The enforcing authority and the officer responsible for the police station at which he reports initially shall have the following functions as respects any person subject to a restriction order.
- (2) On a person reporting initially at the police station, the officer responsible for the station may make such requirements of that person as are determined by the enforcing authority to be necessary or expedient for giving effect to restriction orders.
- (3) During the currency of a restriction order in force in relation to any person the enforcing authority shall perform the following functions on the occasion of any designated football match, that is to say—

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

- (a) where the match is one for which reporting is obligatory for all persons subject to restriction orders, the authority shall, by notice in writing to that person, require him to report to a police station at the time or between the times specified in the notice;
 - (b) where the match is one for which reporting is obligatory for such persons only as are required to report under this paragraph, the authority shall, if that person is one as respects whom subsection (4) below is satisfied, by notice in writing to that person, require him to report to a police station at the time or between the times specified in the notice.
- (4) No requirement to report under subsection (3)(b) above shall be imposed by the enforcing authority on any person unless imposing it is, in their opinion, necessary or expedient in order to reduce the likelihood of violence or disorder at, or in connection with, the designated football match; and the authority may establish criteria for determining whether any person or class of persons ought to be required to report under that paragraph.
- (5) The enforcing authority, in exercising their functions under this section, shall have regard to any guidance issued by the Secretary of State under section 21 below.
- (6) A person who, without reasonable excuse, fails to comply with any requirement imposed on him under subsection (2) above shall be guilty of an offence.
- (7) A person guilty of an offence under subsection (6) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

20 Exemptions from requirement to report as respects a match

- (1) A person who is subject to a restriction order may—
- (a) as respects a particular designated football match, or
 - (b) as respects designated football matches played during a period,
- apply to the authority empowered to grant exemptions under this section (“the exempting authority”) to be exempt from the duty to report as respects that match or matches played during that period.
- (2) The enforcing authority may grant exemptions under this section in all cases; but where the application is for an exemption as respects matches to be played within the period of five days beginning with the date of the application, or a particular match to be played within that period, the officer responsible for a police station may, subject to subsection (3) below, grant the exemption.
- (3) The officer responsible for a police station shall not grant an exemption without referring the question of exemption to the enforcing authority, unless he considers that it is not reasonably practicable to do so.
- (4) The exempting authority shall exempt the applicant from the duty to report if he shows to the authority’s satisfaction—
- (a) that there are special circumstances which justify his being so exempted; and
 - (b) that, because of those circumstances, he would not attend the match or matches if he were so exempted.
- (5) The exempting authority shall, in taking any decision under subsection (4) above, have regard to any guidance issued by the Secretary of State under section 21 below.

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

- (6) Where an exemption is granted by the exempting authority to a person under subsection (4) above the duties of the authority under section 19(3) above and of that person to report shall be suspended as respects the match or matches to which the exemption applies.
- (7) A person who is aggrieved by the refusal of the exempting authority to grant him an exemption under subsection (4) above may, after giving the authority notice in writing of his intention to do so, appeal to a magistrates' court acting for the petty sessions area in which he resides.
- (8) On any appeal under subsection (7) above the court may make such order as it thinks fit.
- (9) The court may order the appellant to pay all or any part of the costs of an appeal under subsection (7) above.
- (10) Any person commits an offence who, in connection with an application under this section to be exempted from a duty to report—
 - (a) makes a statement which he knows to be false or misleading in a material particular or recklessly makes a statement which is false or misleading in a material particular, or
 - (b) produces, furnishes, signs or otherwise makes use of a document which he knows to be false or misleading in a material particular or recklessly produces, furnishes, signs or otherwise makes use of a document which is false or misleading in a material particular.
- (11) A person guilty of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

21 Functions of enforcing authority: supplementary provisions

- (1) The Secretary of State may issue to the enforcing authority such guidance as he considers appropriate for the purposes of the exercise of their functions under sections 19 and 20 above.
- (2) The Secretary of State shall make such arrangements as he considers appropriate for publishing the guidance issued from time to time under subsection (1) above.
- (3) The Secretary of State may make regulations regulating the giving by the enforcing authority to persons subject to restriction orders of notices under section 19 above imposing requirements to report to police stations; and it shall be the duty of the enforcing authority to comply with the regulations.
- (4) Regulations under subsection (3) above may exclude the operation of section 25 below.
- (5) The power to make regulations under subsection (3) above is exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Where any notice is given under section 19 above by the enforcing authority in accordance with regulations under subsection (3) above, the notice shall be taken to have been received by the person to whom it was addressed unless he proves that he did not receive the notice and did not know and had no reasonable cause to believe that he had been required to report to a police station.

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

- (7) Where any notice is given under section 19 above by the enforcing authority in accordance with section 25 below, subsection (6) above shall apply as it applies to such a notice given in accordance with regulations under subsection (3) above.
- (8) The Secretary of State may pay to the enforcing authority any expenses incurred by them in exercising their functions under sections 19 and 20 above.

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 specified in Schedule 1 to this Act.
- (2) Upon an information being laid before a justice of the peace for any area that a person who resides or is believed to reside in that area 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 for that area 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 for that area.
- (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,may, unless it appears that the conviction is the subject of proceedings in a court of law in that country questioning the conviction, make a restriction order in relation to him.
- (5) No restriction order may be made under this section in relation to a person unless the court is satisfied that making such an order in relation to him would help to prevent violence or disorder at or in connection with designated football matches.
- (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 a restriction order under this section may appeal to the Crown Court against the decision.
- (8) Sections 15(3) to (6) and 16 to 21 above shall apply in relation to a person subject to a restriction order under this section as they apply in relation to a person subject to a restriction order made by a magistrates' court under section 15.
- (9) An Order in Council under subsection (1) above relating to any country may include provision—

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

- (a) specifying the authority in that country which is to certify the conviction of a person in that country of a corresponding offence, the nature and circumstances of the offence and whether or not the conviction is the subject of proceedings in that country questioning it; and
 - (b) prescribing the form of such certificates.
- (10) A certificate in the form prescribed by an Order in Council under subsection (1) above shall be admissible in any proceedings under this Part of this Act as evidence of the facts stated in the certificate and a document in that form shall be taken to be such a certificate unless the contrary is proved.
- (11) In proceedings against a person under this section, the facts stated in such a certificate shall, on production of the certificate and proof that that person is the person whose conviction is certified, 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.