



Football (Offences and Disorder) Act 1999

1999 CHAPTER 21

International football banning orders

1 International football banning orders

- (1) In the Football Spectators Act 1989 (referred to in this Act as the 1989 Act) in section 15 (which confers powers on courts to make restriction orders) for subsections (1) to (5) substitute—

“(1) Subject to subsection (3) below—

- (a) a court by or before which a person is convicted of a relevant offence, or
- (b) if a person convicted of such an offence is committed to the Crown Court to be dealt with, the Crown Court on dealing with him for the offence,

shall have the power to make an international football banning order in relation to him.

- (2) Subject to subsection (3) below, it shall be the duty of the court to make an international football banning order in relation to the accused if it is satisfied that there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with designated football matches.

- (2A) Where the court has power to make an international football banning order in relation to the accused but does not do so, it shall state in open court that it is not satisfied that there are such reasonable grounds as are mentioned in subsection (2) above and give reasons why it is not satisfied.

- (3) An international football banning 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 an order discharging him absolutely or conditionally.

Status: This is the original version (as it was originally enacted).

- (4) An international football banning order may be made as mentioned in subsection (3)(b) above notwithstanding anything in sections 1A and 1C of the Powers of the Criminal Courts Act 1973 (which relate to orders discharging a person absolutely or conditionally and their effect).
- (5) An international football banning order shall specify the police station in England or Wales at which the person subject to the order is to report initially.”
- (2) In consequence of subsection (1)—
- (a) for “A “restriction order””, in section 14(4) of the 1989 Act, substitute “An “international football banning order””,
 - (b) for “a restriction order”, wherever occurring in sections 14(5), 16(2) and (4), 17(5) and (6), 18 to 20, 22 and 23 of the 1989 Act, substitute “an international football banning order”,
 - (c) for “restriction orders”, wherever occurring in sections 14, 19 and 21 of the 1989 Act, substitute “international football banning orders”,
 - (d) for “the restriction order”, wherever occurring in sections 17 and 18 of the 1989 Act, substitute “the international football banning order”,
 - (e) for “a restriction order”, in section 10(3)(c)(iv) of the Criminal Appeal Act 1968, substitute “an international football banning order”, and
 - (f) for “reporting duty imposed by restriction order”, in section 24(2)(q) of the Police and Criminal Evidence Act 1984, substitute “duty imposed by international football banning order”.

2 Relevant offences

- (1) In Schedule 1 to the 1989 Act (which specifies the offences which are relevant for the purposes of sections 7(2) and 15(1) of that Act), in each of paragraphs (f) to (l) (which specify offences which require a declaration of relevance) for “declaration of relevance” substitute “declaration that the offence related to football matches”.
- (2) After paragraph (m) of that Schedule insert—
- “(n) any offence under section 5 of the Public Order Act 1986 (harassment, alarm or distress) or any provision of Part III of that Act (racial hatred)
 - (i) which does not fall within paragraph (c) or (i) above,
 - (ii) which was committed during a period relevant to a designated football match, and
 - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
 - (o) any offence involving the use or threat of violence by the accused towards another person—
 - (i) which does not fall within paragraph (d) or (k) above,
 - (ii) which was committed during a period relevant to a designated football match, and
 - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
 - (p) any offence involving the use or threat of violence towards property—

- (i) which does not fall within paragraph (e) or (l) above,
 - (ii) which was committed during a period relevant to a designated football match, and
 - (iii) as respects which the court makes a declaration that the offence related to that match or to that match and any other football match which took place during that period;
- (q) any offence under section 166 of the Criminal Justice and Public Order Act 1994 (sale of tickets by unauthorised persons) which relates to tickets for a football match.

Any reference to an offence in paragraphs (a) to (q) above includes—

- (a) a reference to any attempt, conspiracy or incitement to commit that offence; and
- (b) a reference to aiding and abetting, counselling or procuring the commission of that offence.

For the purposes of paragraphs (f) to (l) above—

- (a) a person may be regarded as having been on a journey to or from a designated football match whether or not he attended or intended to attend the match; and
- (b) a person's journey includes breaks (including overnight breaks)."

- (3) After section 1(8) of the 1989 Act (which sets out the periods before and after football matches in which certain offences must be committed to qualify as relevant offences) insert—

“(8A) In its application to an offence specified in paragraph (n), (o) or (p) of Schedule 1 to this Act, subsection (8) above shall have effect as if—

- (a) the reference to a designated football match included a reference to a football match designated for the purposes of Part II of this Act,
- (b) for “two hours”, wherever occurring, there were substituted “24 hours”,
- (c) for “one hour”, wherever occurring, there were substituted “24 hours”, and
- (d) paragraph (a)(iii) were omitted.”;

and in section 14(6) of the 1989 Act (which contains a reference to section 1(8) of that Act) after “1(8)” insert “and (8A)”.

- (4) In sections 7(6) and 14(6) of the 1989 Act (each of which contains a reference to paragraphs (h), (i), (k) and (l) for “and (l)” substitute “, (l) and (n) to (p)”.

- (5) In sections 7(10) and 14(9) of the 1989 Act, for the definition of “declaration of relevance” substitute—

““declaration of relevance”, in relation to an offence specified in paragraphs (f) to (l) and (n) to (p) of Schedule 1 to this Act, means the declaration specified in that paragraph;”.

- (6) In section 23 of the 1989 Act (further provision about, and appeals against, declarations of relevance) in subsection (1) (court may not make declaration of relevance unless satisfied prosecutor gave notice to defendant that it was proposed to show that offence related to football matches) after “football matches” insert “, to a particular football match or to particular football matches (as the case may be).”.

3 Conditions and duty to report

- (1) In section 15 of the 1989 Act (international football banning orders) after subsection (5) insert—

“(5A) The court may, if it thinks fit, impose conditions in the order which the person subject to the order shall comply with.

(5B) Those conditions may include conditions with respect to the surrender of the passport of the person subject to the order not more than five days before the date of each designated football match in relation to which he is required to report to a police station.

(5C) A passport surrendered by the person subject to the order on the occasion of a designated football match must be returned to him as soon as reasonably practicable after the match has taken place.”

- (2) In section 16 of the 1989 Act (effect of order) in subsection (2)(b) (duty to report to any police station in England and Wales when required to do so under section 19(3)(b))—

(a) for “19(3)(b)” substitute “19(3)(a) or (b)”, and

(b) for the words from “any police station” to the end substitute “the police station in England and Wales specified in the notice by which the requirement is imposed at the time or between the times specified in the notice.”

- (3) In subsection (3) of that section (duty to report initially to any police station on discharge from prison) for “any police station” substitute “the police station specified in the order”.

- (4) After subsection (3) of that section insert—

“(3A) The duty to comply with conditions imposed by an international football banning order is a duty, subject to any exemption, to comply with those conditions when required to do so under section 19(3)(a) or (b) below.”

- (5) In subsection (4) of that section (offence of failing to comply with duty to report) after “duty to report” insert “, or the duty to comply with conditions,”.

- (6) In section 19 of the 1989 Act (functions of enforcing authority and local police) in subsection (3) (requirement to report), in each of paragraphs (a) and (b), for the words from “require him” to the end of the paragraph substitute—

“(i) require him to report to the police station specified in the notice at the time or between the times specified in the notice; and

(ii) require him to comply with the conditions (if any) imposed by the order”.

- (7) In subsection (4) of that section (no requirement to report under subsection (3)(b) shall be imposed unless necessary or expedient to reduce likelihood of violence or disorder)

—
(a) for “No requirement to report under subsection (3)(b)” substitute “No requirements under subsection (3)(b)”,

(b) for “unless imposing it” substitute “unless imposing them”, and

(c) for “any person or class of persons ought to be required to report under that paragraph” substitute “requirements under that paragraph ought to be imposed on any person or class of person”.

- (8) In section 20 of the 1989 Act (exemptions from duty to report as respects a match) in subsection (1) (application for exemption from duty to report) for “the duty to report” substitute “all or any of the duties under section 16(2)(b) and (3A) above”.
- (9) In subsection (4) of that section (exemption from duty to report) for “the duty to report” substitute “all or any of the duties under section 16(2)(b) and (3A) above”.
- (10) In subsection (6) of that section (duties of authority and person subject to order suspended) for “to report shall be suspended” substitute “under section 16(2)(b) and (3A) above shall, to the extent of the exemption, be suspended”.
- (11) In subsection (10) of that section (offence) for “a duty to report” substitute “any duty under section 16(2)(b) or (3A) above”.
- (12) In section 21 of the 1989 Act (functions of enforcing authority: supplementary provisions) in subsection (3) (regulations about notices under section 19 imposing requirements to report to police stations) the words “imposing requirements to report to police stations” are repealed.
- (13) In subsection (6) of that section (notice taken to be received by person unless he proves he did not receive it and did not know and had no reasonable cause to believe that he had been required to report to a police station) for “he had been required to report to a police station” substitute “requirements had been imposed on him under section 19 above”.

4 Duration and termination of orders

- (1) In section 16 of the 1989 Act (effect of order) for subsection (1) substitute—
 - “(1) Subject to subsection (3) and section 17 below, an international football banning order has effect in relation to a person convicted of a relevant offence for a period determined by the court making the order—
 - (a) which begins with the date of the making of the order,
 - (b) which is not longer than the maximum period, and
 - (c) which is not shorter than the minimum period.
 - (1A) The maximum period—
 - (a) in a case where the person was sentenced in respect of that offence to a period of imprisonment taking immediate effect, is ten years, and
 - (b) in any other case, is five years.
 - (1B) The minimum period—
 - (a) in a case where the person was sentenced in respect of that offence to a period of imprisonment taking immediate effect, is six years, and
 - (b) in any other case, is three years.”
- (2) In section 17 of the 1989 Act (application to terminate order) for subsection (1) substitute—
 - “(1) A person in relation to whom an international football banning order has had effect for at least two-thirds of the period determined under section 16(1) above may apply to the court which made the order to terminate it.”

5 Offences outside England and Wales

- (1) Section 22 of the 1989 Act (orders arising out of offences outside England and Wales) is amended as follows.
- (2) After subsection (1) (power to specify offences which appear to correspond to any offence specified in Schedule 1) insert—
 - “(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 specified in Schedule 1 to this Act notwithstanding that any period specified in the Order is longer than any corresponding period specified in that Schedule.”
- (3) For subsection (5) (order may not be made unless court satisfied that order would help prevent violence or disorder) substitute—
 - “(5) A magistrates' court which has power to make an international football banning order in relation to a person shall be under a duty to make the order in relation to him if it is satisfied that there are reasonable grounds to believe that making the order would help to prevent violence or disorder at or in connection with designated football matches.
 - (5A) Where a magistrates' court has power to make an international football banning order in relation to a person but does not do so, it shall state in open court that it is not satisfied that there are such reasonable grounds as are mentioned in subsection (5) above and give reasons why it is not satisfied.”
- (4) In subsection (8) (which applies, among other provisions, section 15(3) to (6)) for “Sections 15(3) to (6)” substitute “Sections 15(5) to (6)”.
- (5) For subsections (9) to (11) (which make provision in relation to certificates as to the conviction of persons of corresponding offences outside England and Wales) substitute—
 - “(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.”